



Journal of the Senate

Number 18—Regular Session

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CALL TO ORDER

The Senate was called to order by President Pruitt at 3:00 p.m. A quorum present—39:

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peadar
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

PRAYER

The following prayer was offered by the Rev. Canon Laughton D. Thomas, St. Michael and All Angels Episcopal Church of Tallahassee:

Almighty Creator, you have called these women and men to the work of legislating for the people of this great State of Florida. We are grateful for the commitments they have made to serving in the best manner possible. As they begin the last week of deliberation and legislation of this regular session, grant them new insights toward providing the best and most comprehensive education for the children of Florida from pre-K through the college years. Remind them of their overall well-rounded education, which has brought them success in their fields of endeavor and set upon their hearts the will to provide the same opportunities for future generations.

Grant your guidance to all of their work this week, that your will be done. May these Senators always work in a sense of collegiality and commitment to the common good of all our citizens, from the weakest to the most affluent.

You are the fountain of wisdom, whose will is good and gracious, and whose law is truth. Therefore, may all their decisions abide in your name. Amen.

PLEDGE

Senate Pages Schyler “Skye” Drew of Orlando; Stephen B. Skipper of New Port Richey; Austin R. Drawdy of Groveland; and Victoria S. Webster of Orlando, daughter of Majority Leader Webster, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Charles Riggs of Gainesville, sponsored by Senator Oelrich, as doctor of the day. Dr. Riggs specializes in Oncology.

ADOPTION OF RESOLUTIONS

At the request of Senator Lawson—

By Senator Lawson—

SR 2964—A resolution recognizing November 2008 as “Lung Cancer Awareness Month” in Florida.

WHEREAS, lung cancer is the leading cause of cancer death in the State of Florida, and

WHEREAS, nearly 12,490 Floridians will die from lung cancer in 2008, and more than an additional 17,360 Floridians will be diagnosed with the disease, and

WHEREAS, cigarette smoking and other tobacco use is the leading cause of lung cancer, with more than 87 percent of all lung cancer attributed to smoking tobacco products, and

WHEREAS, early detection of lung cancer is very difficult and costly, and has not yet been proven to improve survival rates, and

WHEREAS, the 5-year survival rate for lung cancer is only 15 percent, and

WHEREAS, smoking-related diseases such as lung cancer cost Florida \$6.32 billion in directly related health costs and another \$6.47 billion in productivity losses caused by smoking, and

WHEREAS, the best-known way to prevent lung cancer, the premature deaths associated with lung cancer, and the costs related to this disease is to prevent youth from starting to use tobacco and to help current smokers to quit, and

WHEREAS, the American Cancer Society, in partnership with the Florida Department of Health, helps adult and youth smokers to stop smoking through the proven cessation support of the toll-free Quit-For-Life-Line, 1-877-U-CAN-NOW, and

WHEREAS, the Florida Division of the American Cancer Society is committed to preventing the use of and addiction to tobacco in young people through all scientifically proven methods, including the measures detailed in the Centers for Disease Control and Prevention’s recommendations for a fully comprehensive statewide youth tobacco prevention and cessation program, NOW, THEREFORE,

Be it Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the month of November 2008 as “Lung Cancer Awareness Month” in Florida and urges all Floridians to understand the risks associated with lung cancer, to take preventive steps to minimize those risks, and to join the American Cancer Society

in promoting better health and lung-cancer prevention through the cessation of current smoking and the prevention of future tobacco use.

—**SR 2964** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2972—A resolution recognizing April 28, 2008, as “Workers’ Memorial Day” in Florida.

WHEREAS, 36 years ago Congress passed the Occupational Safety and Health Act, promising every American worker the right to a safe job, and

WHEREAS, unions and their allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries, and

WHEREAS, the toll of workplace injuries, illnesses, and death nonetheless remains enormous, with 60,000 American workers dying from job-related injuries each year and another 15.6 million workers injured on the job, and

WHEREAS, the unions of the AFL-CIO are committed to the continuing struggle to make workers’ safety a priority and to keep and create good jobs in America, for American workers, and

WHEREAS, America’s economy and the health and vigor of American society depend on the availability of decent jobs for American workers and on the safety of those jobs, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 28, 2008, is recognized as “Workers’ Memorial Day” in the State of Florida in honor of the many American workers who have suffered injury and death on the job, and in recognition of the work of the unions of the AFL-CIO to protect the safety of American workers and to secure the availability of decent jobs for Americans.

—**SR 2972** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2974—A resolution recognizing and commending The Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of the State of Florida.

WHEREAS, on November 17, 1911, three Howard University undergraduate students, assisted by their faculty advisor, met and conceived the idea of founding Omega Psi Phi Fraternity, Inc., based on the cardinal principles of “manhood, scholarship, perseverance, and uplift,” and

WHEREAS, Omega Psi Phi Fraternity, Inc., was the first fraternity founded at a Historically Black College or University, and, since its inception, has initiated more than 130,000 members in over 550 chapters in 44 states, the District of Columbia, Europe, Asia, Africa, the Bahamas, the Virgin Islands, and Panama, and

WHEREAS, Omega Psi Phi Fraternity, Inc., is committed to rendering community service that makes a difference in quality of life, and has made invaluable contributions toward improving the educational, civic, and social lives of the people it has touched in Florida and throughout the world, and

WHEREAS, Brother Warren G. Lee, Jr. of Dallas, Texas, presently leads Omega Psi Phi Fraternity, Inc., serving as the Fraternity’s 38th Grand Basileus; Brother Joseph Williams of Tuskegee, Alabama, is the National Representative for District 7, which includes Florida, Georgia, Alabama, and Mississippi; and Brother Anthony Brown of Miami, Florida is the National Representative for the State of Florida, and

WHEREAS, other distinguished Floridians who are Brothers of Omega Psi Phi Fraternity, Inc., include United States Congressman

Kendrick Meek, State Senator Anthony C. “Tony” Hill, Sr., State Senator Gary Siplin, former State Representative Wilbert “Tee” Holloway, former State Representative Frank Peterman, Jr., Tallahassee Mayor John Marks, immediate past Grand Basileus, George H. Grace of Miami, Florida, and immediate past National Representative for the 7th District, Edgar L. Mathis, Sr. of Jacksonville, Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of Florida and recognizes March 20, 2008, as “Omega Psi Phi Fraternity, Inc., Day” in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Warren G. Lee, Jr., Grand Basileus of Omega Psi Phi Fraternity, Inc., as a tangible token of the sentiments of the Florida Senate.

—**SR 2974** was introduced, read and adopted by publication.

At the request of Senator Gaetz—

By Senator Gaetz—

SR 2992—A resolution commending the Florida Goodwill Association for its contributions to the economic base of the State of Florida and its provision of employment and job training to millions of Floridians.

WHEREAS, Goodwill Industries, operating on the belief that productivity and vocation are cornerstones of life and that all people have a right to be treated with dignity and respect without regard to race, gender, age, marital status, national origin, or state of health, is now the largest nonprofit provider of vocational training and employment services in the United States, and

WHEREAS, Goodwill Industries provides quality vocational training and employment services to people who are impaired by disabilities and to those who suffer other disadvantages, such as being undereducated or illiterate, welfare-dependent, or homeless, or having a criminal history, and

WHEREAS, through the 106 years of its existence, Goodwill Industries has successfully designed and implemented many innovative vocational training and employment programs, enabling millions of people with disabilities and disadvantages to develop career opportunities and improve the quality of their lives, and

WHEREAS, in the 2007 calendar year, 141,924 Floridians have participated in the programs administered by Goodwill Industries, and 44,084 of those participants have obtained gainful employment in the communities in which they live, and

WHEREAS, throughout this last calendar year, the Florida Goodwill Association, through nine local Goodwill Industries entities operating throughout Florida, collectively generated more than \$641 million in earnings realized by people in community employment, resulting in a significant contribution to the state’s economic base and increasing its tax revenues, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate commends the Florida Goodwill Association for its valued programs and vision, which have expanded the employment opportunities and occupational capabilities of millions of Floridians.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Tom Fuerig, President of the Florida Goodwill Association, as a tangible token of the sentiments of the Florida Senate.

—**SR 2992** was introduced, read and adopted by publication.

At the request of Senator Diaz de la Portilla—

By Senator Diaz de la Portilla—

SR 2998—A resolution recognizing April 17, 2008, as “Jackson Health System Appreciation Day.”

WHEREAS, on June 25, 1918, Jackson Memorial Hospital opened its doors as the City of Miami’s first charity care hospital, and

WHEREAS, today, 90 years later, though it still remains the county’s only charity care “safety-net” hospital, Jackson Memorial Hospital has evolved into Jackson Health System, an integrated healthcare delivery system with more than 11,000 employees that provides medical services to residents of Miami-Dade County, regardless of their ability to pay, and

WHEREAS, Jackson Health System currently consists of 12 primary care centers, 16 school-based clinics, two long-term care nursing facilities, an outpatient diagnostic center, a children’s hospital, a rehabilitation hospital, two community hospitals, and the system’s centerpiece, the regional referral, tertiary care Jackson Memorial Hospital, which is the primary teaching hospital of the University of Miami Leonard M. Miller School of Medicine, and

WHEREAS, Jackson Health System is made up of five hospitals: Jackson Memorial Hospital, Holtz Children’s Hospital, Jackson South Community Hospital, Jackson North Medical Center, and Jackson Rehabilitation Hospital, and

WHEREAS, Jackson Memorial Hospital, the system’s flagship hospital with 1,498 beds, is the third-largest teaching hospital in the United States through an academic affiliation with the University of Miami Leonard M. Miller School of Medicine, and is also a training center for physicians and other healthcare professionals from around the world, and

WHEREAS, Holtz Children’s Hospital is one of the largest children’s hospitals in the southeast United States, one of three centers in the country that specialize in pediatric multi-organ transplants, home to one of the largest neonatal intensive care units in the United States, and has more pediatric physicians on the “Best Doctors in America” list than any other children’s hospital in South Florida, and

WHEREAS, Jackson South Community Hospital is a 199-bed acute-care hospital located in south Miami-Dade County, designed specifically for patient comfort and convenience with state-of-the-art technology, leading-edge treatments and services, and a wide array of specialties and subspecialties practiced by nationally respected, board-certified physicians and healthcare professionals, and

WHEREAS, Jackson North Medical Center is a 382-bed, acute-care, community hospital serving the residents of north Miami-Dade and south Broward counties which offers a variety of services including 24-hour adult and pediatric emergency care, maternity care, and rehabilitation, and is also home to specialized centers such as the Wound Care Center, the Center for Mental Health, and the Pain & Spine Institute, and

WHEREAS, Jackson Rehabilitation Hospital is a state-designated facility for its Brain & Spinal Cord Injury Program and offers additional services that include treatment programs for medical rehabilitation, burns, and hand injuries, and

WHEREAS, Jackson Health System also offers health care through 12 primary care centers, the remote “Care-A-Van” program, school-based care delivered in 16 school-based clinics venues and initiatives, and the Jackson Health System Primary Care Initiative, and

WHEREAS, the innumerable accolades received by, and the remarkable accomplishments of, member institutions of the Jackson Health System, are truly voluminous, and

WHEREAS, in 2007, Jackson Health System spent nearly \$500 million on charity care, a level that is among the highest in the nation, and

WHEREAS, the University of Miami Miller School of Medicine and Jackson Memorial Hospital have consistently ranked in U.S. News & World Report among “America’s Best Hospitals,” and

WHEREAS, in 2007, the University of Miami/Jackson Memorial Hospital was ranked in four different specialties: ophthalmology; ear, nose and throat; digestive disorders; and kidney disease, and has more ranked specialties than any other hospital in South Florida, and

WHEREAS, the Ryder Trauma Center, located at the University of Miami/Jackson Memorial Medical Center, is the only adult and pediatric Level 1 Trauma Center in Miami-Dade County, is one of the busiest trauma centers in the nation, and is the only trauma center chosen by the United States Army to train its military surgical teams before being deployed to areas of conflict, and

WHEREAS, Holtz Children’s Hospital’s 126-bed Newborn Special Care Center is also a regional referral facility that is home to a 66-bed, Level III Neonatal Intensive Care Unit, which is the largest in Florida, and

WHEREAS, the Transplant Center, located at the University of Miami/Jackson Memorial Medical Center, is ranked among the busiest in the nation, and Jackson Memorial Hospital is the only Florida hospital to perform every kind of solid organ transplantation, with more than half of the world’s reported multi-organ transplants having been performed there, and

WHEREAS, the University of Miami/Jackson Memorial Burn Center has been one of the nation’s leading burn treatment facilities since its founding in the 1960s and is the only such center in Miami-Dade County, and

WHEREAS, Jackson Health System has recently affiliated with the newly created Florida International University’s School of Medicine, and

WHEREAS, as is obvious, the vast scope and superlative quality of health care provided to the citizens of South Florida by Jackson Health System is of incalculable benefit, not only to area residents directly served by Jackson Health System but to the State of Florida as a whole, and constitutes a level of care rarely found elsewhere in the nation, and

WHEREAS, it is fitting and appropriate that on this, the 90th anniversary of the founding of Jackson Memorial Hospital, the citizens of the state should recognize Jackson Health System for its astounding growth, achievements, and service to the people of the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That in celebration of Jackson Memorial Hospital’s 90 years of continued service to the residents of Miami-Dade County, April 17, 2008, is recognized as “Jackson Health System Appreciation Day.”

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Marvin O’Quinn, president of the Public Health Trust and chief executive officer of Jackson Health System, as a tangible token of the sentiments of the Florida Senate.

—**SR 2998** was introduced, read and adopted by publication.

At the request of Senator Rich—

By Senator Rich—

SR 3006—A resolution recognizing the Holocaust Days of Remembrance, April 27 through May 4, 2008.

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; Jews were the primary victims (6 million were murdered), and Gypsies, the handicapped, Poles, homosexuals, Jehovah’s Witnesses, Soviet prisoners of war, and political dissidents were also subjected to persecution and destruction under Nazi tyranny, and

WHEREAS, the history of the Holocaust offers us an opportunity to reflect on the moral responsibilities of individuals, societies, and governments, and

WHEREAS, the people of the State of Florida should always remember the terrible events of the Holocaust, remain vigilant against hatred, persecution, and tyranny, and work to establish justice and fairness for all, and

WHEREAS, the Days of Remembrance have been set aside for the people of the State of Florida to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples, and

WHEREAS, the United States Congress established the Days of Remembrance as our nation's annual commemoration of the victims of the Holocaust, and the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust to be Sunday, April 27 through May 4, including the Day of Remembrance known as Yom Hashoah, May 2, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes the week of Sunday, April 27, through Sunday, May 4, 2008, as "Days of Remembrance" in memory of the victims of the Holocaust and in honor of the Survivors, as well as the rescuers and liberators, and further recognizes that all residents of the State of Florida should strive to overcome intolerance and indifference through learning and remembrance.

—SR 3006 was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of CS for CS for SB 2212, CS for CS for CS for SB 1544, CS for CS for CS for CS for SB 560, and CS for SB 1300 was deferred.

CS for HB 69—A bill to be entitled An act relating to license plates; amending s. 320.06, F.S.; requiring counties to issue license plates with either the name of the county in which the plate is sold, the state motto, or the words "Sunshine State," printed on the plate; providing conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for HB 69** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fasano	Margolis
Alexander	Gaetz	Peadar
Aronberg	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Constantine	Jones	Siplin
Crist	Justice	Storms
Dean	King	Villalobos
Deutch	Lawson	Wilson
Dockery	Lynn	Wise

Nays—2

Joyner Oelrich

Vote after roll call:

Yea—Atwater, Diaz de la Portilla, Webster

Consideration of **SB 230** was deferred.

SB 432—A bill to be entitled An act relating to the placement of vessels in state or federal waters seaward of the state to form artificial reefs; amending s. 370.25, F.S., relating to the state's artificial reef program; providing legislative findings; authorizing the planning and development of a statewide matching grant program to secure and place United States Maritime Administration and United States Navy decommissioned vessels in specified waters as artificial reefs; providing for administration of the program by the Florida Fish and Wildlife Conservation Commission; providing for implementation of the program subject to appropriations; providing objectives of the program; creating s. 370.255, F.S.; providing for the establishment of the Florida Ships-2-Reefs Program, a matching grant program, by the Florida Fish and Wildlife Conservation Commission; providing the purposes of the program; specifying the percentage of the state matching grant; providing procedures and requirements with respect to the program; authorizing the Florida Fish and Wildlife Conservation Commission to adopt rules;

providing for reports; authorizing provision of funds under the program contingent upon an appropriation; providing for a report; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **SB 432** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Margolis
Alexander	Gaetz	Oelrich
Aronberg	Garcia	Peadar
Baker	Geller	Posey
Bennett	Haridopolos	Rich
Bullard	Hill	Ring
Carlton	Jones	Saunders
Constantine	Joyner	Siplin
Crist	Justice	Storms
Dean	King	Villalobos
Deutch	Lawson	Wilson
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Atwater, Diaz de la Portilla, Webster

CS for HB 165—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; providing definitions; requiring agency inspectors general to comply with certain principles and standards; requiring an inspector general to submit findings of audits and investigations to specified persons or entities if such findings are not exempt from disclosure; requiring responses to findings within 20 working days; requiring agencies under the Governor to notify the Chief Inspector General of inspector general appointments and terminations; prohibiting agency staff from preventing or prohibiting the inspector general from initiating, carrying out, or completing any audit or investigation; requiring audits to be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing; requiring the inspector general of each state agency to report certain written complaints to the agency head, and for agencies under the Governor, to the agency head and the Chief Inspector General; providing an effective date.

—was read the third time by title.

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (825658)—Delete lines 261-307 and insert:

(6) In carrying out the investigative duties and responsibilities specified in this section, each inspector general shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government. For these purposes, each *inspector general state agency* shall:

(a) Receive complaints and coordinate all activities of the agency as required by the Whistle-blower's Act pursuant to ss. 112.3187-112.31895.

(b) Receive and consider the complaints which do not meet the criteria for an investigation under the Whistle-blower's Act and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the inspector general deems appropriate.

(c) Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the inspector general has reasonable grounds to believe there has been a violation of criminal law.

(d) Conduct investigations and other inquiries free of actual or perceived impairment to the independence of the inspector general or the

inspector general's office. This shall include freedom from any interference with investigations and timely access to records and other sources of information.

(e) *At the conclusion of each investigation in which the subject of the investigation is a specific entity contracting with the state or an individual substantially affected as defined by this section, and if the investigation is not confidential or otherwise exempt from disclosure by law, the inspector general shall, consistent with s. 119.07(1), submit findings to the subject that is a specific entity contracting with the state or an individual substantially affected, who shall be advised in writing that they may submit a written response within 20 working days after receipt of the findings. Such response and the inspector general's rebuttal to the response, if any, shall be included in the final investigative report.*

(f)(e) Submit in a timely fashion final reports on investigations conducted by the inspector general to the agency head, except for whistleblower's investigations, which shall be conducted and reported pursuant to s. 112.3189.

On motion by Senator Bennett, **CS for HB 165** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Peaden
Aronberg	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Constantine	Joyner	Siplin
Crist	Justice	Storms
Dean	King	Villalobos
Deutch	Lawson	Wilson
Dockery	Lynn	Wise
Fasano	Margolis	

Nays—None

Vote after roll call:

Yea—Atwater, Diaz de la Portilla, Webster

On motion by Senator Baker, by two-thirds vote **CS for HB 167** was withdrawn from the Committees on Transportation; Governmental Operations; and Transportation and Economic Development Appropriations.

On motion by Senator Baker, by two-thirds vote—

CS for HB 167—A bill to be entitled An act relating to temporary motor vehicle license tags; amending s. 320.131, F.S.; revising provisions for the placement of temporary tags on vehicles; revising provisions for implementation of an electronic, print-on demand, temporary tag issuance system; authorizing certain motor vehicle dealers to charge a fee in certain circumstance; authorizing limited use of a backup manual issuance method; authorizing the department to adopt rules; repealing s. 320.96, F.S., relating to implementation of an electronic, print-on-demand, temporary license plate system; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 544** and by two-thirds vote read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for HB 167** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dean	Jones
Alexander	Deutch	Joyner
Aronberg	Dockery	Justice
Baker	Fasano	King
Bennett	Gaetz	Lawson
Bullard	Garcia	Lynn
Carlton	Geller	Margolis
Constantine	Haridopolos	Oelrich
Crist	Hill	Peaden

Posey
Rich
Ring

Saunders
Siplin
Storms

Villalobos
Wilson
Wise

Nays—None

Vote after roll call:

Yea—Atwater, Diaz de la Portilla, Webster

CS for HB 419—A bill to be entitled An act relating to business entities; amending s. 607.1109, F.S.; exempting a domestic corporation from the requirement to file articles of merger under certain circumstances; amending s. 607.1113, F.S.; exempting a domestic corporation from the requirement to file a certificate of conversion under certain circumstances; amending s. 607.1115, F.S.; requiring that each converting entity file a certificate of conversion with the Department of State; amending s. 608.4382, F.S.; exempting a domestic limited liability company from the requirement to file a certificate of merger under certain circumstances; amending s. 608.439, F.S.; including a corporation within the definition of “other business entity” or “another business entity”; requiring that each converting entity file a certificate of conversion with the department; amending s. 608.4403, F.S.; exempting a limited liability company from the requirement to file a certificate of conversion under certain circumstances; amending s. 617.1108, F.S.; exempting a domestic corporation not for profit from the requirement to file articles of merger under certain circumstances; providing for a copy of articles of merger or the certificate of merger to be filed in each county in which real property of a party to the merger is situated; amending s. 620.1406, F.S.; revising the requirements for general partners with respect to exercising certain management rights; providing that the expulsion of a limited partner requires the consent of all of the other limited partners; amending s. 620.2104, F.S.; requiring that a certificate of conversion be signed by each general partner and by the converting organization; exempting a limited partnership from the requirement to file a certificate of conversion if the partnership complies with certain other laws; amending s. 620.2108, F.S.; providing exceptions to a requirement that constituent limited partnerships file articles of merger or a certificate of merger with the Department of State; amending s. 620.2204, F.S.; changing the date of application of provisions authorizing a limited partner to dissociate from a limited partnership; amending s. 620.8101, F.S.; redefining the term “statement” to exclude a statement of merger; amending s. 620.8105, F.S.; requiring that a registration statement be filed with the department before filing a certificate of conversion or a certificate of merger; amending s. 620.81055, F.S.; providing that a filing fee applies to a certificate of merger; amending s. 620.8911, F.S.; clarifying that the term “organization” includes a converted or surviving organization under certain circumstances; amending s. 620.8914, F.S.; revising requirements for conversions; exempting converting domestic partnerships from filing a certificate of conversion under certain circumstances; providing that the certificate of conversion acts as a cancellation of the registration statement for a converting partnership; amending s. 620.8918, F.S.; exempting domestic constituent partnerships from filing a certificate of merger under certain circumstances; requiring that such partnership file a registration statement with the department under certain circumstances; amending s. 621.06, F.S.; revising limitations on qualifications to render professional services; amending s. 621.10, F.S.; revising limitations on disqualifications to render professional services; amending s. 621.13, F.S.; deleting limitations on mergers between domestic and foreign professional corporations and limited liability companies; amending s. 727.114, F.S.; providing for disposition of residue moneys after payment of certain creditors' claims; providing effective dates.

—was read the third time by title.

On motion by Senator Deutch, **CS for HB 419** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Carlton	Fasano
Alexander	Constantine	Gaetz
Aronberg	Crist	Garcia
Baker	Dean	Geller
Bennett	Deutch	Haridopolos
Bullard	Dockery	Hill

Jones	Margolis	Saunders
Joyner	Oelrich	Siplin
Justice	Peaden	Storms
King	Posey	Villalobos
Lawson	Rich	Wilson
Lynn	Ring	Wise

Nays—None

Vote after roll call:

Yea—Atwater, Diaz de la Portilla, Webster

On motion by Senator Crist, by two-thirds vote **CS for HB 7087** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Crist, the rules were waived and by two-thirds vote—

CS for HB 7087—A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options for specified youth; amending s. 943.053, F.S.; revising provisions relating to dissemination of criminal justice information; amending s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, to revise a reference; amending s. 984.05, F.S.; revising terminology applicable to rules relating to habitual truants; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options for specified youth; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending and redesignating provisions of s. 985.037, F.S.; relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official’s service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing additional representatives to the committee developing a risk assessment instrument; providing an additional factor to be considered in a risk assessment instrument; providing for periodic evaluation of risk assessment instruments; amending s. 985.265, F.S.; providing an exception in direct supervision housing for supervision and monitoring of children in a jail or other adult facility; creating s. 985.438, F.S.; providing for commitment alternatives; providing for the Redirection Program; providing eligibility for participation; requiring maintenance of data for program evaluation; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that certain rulemaking be coordinated with other agencies; requiring counties with non-state-funded delinquency programs for youth to provide diversion options for certain youth in order to participate in a specified delinquency diversion program; amending s. 985.606, F.S.; revising provisions relating to data collection; amending s. 985.632, F.S.; providing for a demonstration project using outcome-based contracts; requiring a report; amending s. 985.644, F.S.; removing the reference to the Department of Children and Family Services as it relates to contracting for certain services; revising provisions relating to the contracting powers of the Department of Juvenile Justice; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; conforming provisions; requiring the department to adopt rules; defining the term “delinquency program staff”; amending s. 985.664, F.S.; revising provisions relating to juvenile justice circuit boards and juvenile justice county councils to provide references to the Children and Youth Cabinet; providing additional duties for councils and boards; revising provisions concerning membership of boards and councils; requiring the secretary of the department to meet with the chair of the juvenile justice circuit boards and the Children and Youth Cabinet at least annually for specified purposes; amending s. 985.668, F.S.; including juvenile justice county councils in provisions relating to innovation zone proposals; amending s. 985.676, F.S.; deleting a limit on renewals of annual community juvenile justice partnership grants; providing priority for funding certain applications; amending s. 985.721, F.S.; conforming a cross-reference; creating s. 1006.125, F.S.; requiring referral to law enforce-

ment of serious offenses; providing for reimbursement of secure detention costs in certain circumstances; providing a limit on such reimbursements; amending s. 1006.13, F.S.; revising provisions relating to school policies concerning crime and victimization to remove references to zero tolerance; providing for consideration of certain provider types relating to services for children in need of services and families in need of services; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 700** and read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (206662)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (3) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

(b) Alternative sanctions coordinators pursuant to s. 985.0375 ~~ss. 984.09 and 985.037~~.

Section 2. Paragraph (c) of subsection (4) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(4)

(c) The juvenile justice circuit boards or juvenile justice county councils or the Department of Juvenile Justice shall establish appropriate community service programs to be available *as provided in s. 985.0375 to the alternative sanctions coordinators of the circuit courts in implementing this subsection. The boards or councils or department shall propose the implementation of a community service program in each circuit, and may submit a circuit plan, to be implemented upon approval of the circuit alternative sanctions coordinator.*

Section 3. Paragraph (a) of subsection (1) of section 939.185, Florida Statutes, is amended to read:

939.185 Assessment of additional court costs and surcharges.—

(1)(a) The board of county commissioners may adopt by ordinance an additional court cost, not to exceed \$65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense under the laws of this state. Such additional assessment shall be accounted for separately by the county in which the offense occurred and be used only in the county imposing this cost, to be allocated as follows:

1. Twenty-five percent of the amount collected shall be allocated to fund innovations to supplement state funding for the elements of the state courts system identified in s. 29.004 and county funding for local requirements under s. 29.008(2)(a)2.

2. Twenty-five percent of the amount collected shall be allocated to assist counties in providing legal aid programs required under s. 29.008(3)(a).

3. Twenty-five percent of the amount collected shall be allocated to fund personnel and legal materials for the public as part of a law library.

4. Twenty-five percent of the amount collected shall be used as determined by the board of county commissioners to support teen court programs, except as provided in s. 938.19(7), juvenile assessment centers, and other juvenile alternative programs *that include diversion options for first-time misdemeanant youth or youth 10 years of age or younger.*

Each county receiving funds under this section shall report the amount of funds collected pursuant to this section and an itemized list of expenditures for all authorized programs and activities. The report shall be

submitted in a format developed by the Supreme Court to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives on a quarterly basis beginning with the quarter ending September 30, 2004. Quarterly reports shall be submitted no later than 30 days after the end of the quarter. Any unspent funds at the close of the county fiscal year allocated under subparagraphs 2., 3., and 4., shall be transferred for use pursuant to subparagraph 1.

Section 4. Section 984.05, Florida Statutes, is amended to read:

984.05 Rules relating to habitual truants; adoption by State Board of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the State Board of Education shall work together on the development of, and shall adopt, rules as necessary for *administering the implementation of ss. 984.03(27), 985.03(26) 985.03(25), and 1003.27.*

Section 5. Section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; ~~alternative sanctions.~~—

(1) ~~CONTEMPT OF COURT; LEGISLATIVE INTENT.~~—*Except as otherwise provided in this section,* the court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto *as provided in s. 985.037.* ~~It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.~~

(2) ~~PLACEMENT IN A SECURE FACILITY.~~—

(a) A child may be placed in a secure facility *as provided in s. 985.037(2)* ~~for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.~~

(a) ~~A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or in a secure residential commitment facility.~~

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure setting as provided under s. 984.226 if conditions of eligibility are met.

(3) ~~ALTERNATIVE SANCTIONS.~~—~~Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).~~

(3)(4) ~~CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.~~—

(a) ~~If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.~~

(b) ~~If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:~~

1. ~~Right to a copy of the order to show cause alleging facts supporting the contempt charge.~~

2. ~~Right to an explanation of the nature and the consequences of the proceedings.~~

3. ~~Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 985.033.~~

4. ~~Right to confront witnesses.~~

5. ~~Right to present witnesses.~~

6. ~~Right to have a transcript or record of the proceeding.~~

7. ~~Right to appeal to an appropriate court.~~

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) ~~The court may not order that a child be placed in a secure facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a secure facility as punishment for contempt of court.~~

(d) In addition to any other sanction imposed under s. 985.037 this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license or driving privilege. The court may order that a child's driver's license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver's license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver's license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. For a child in need of services whose driver's license or driving privilege is suspended under *that section this paragraph*, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.

(5) ~~ALTERNATIVE SANCTIONS COORDINATOR.~~—~~There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).~~

Section 6. Subsection (3) of section 985.02, Florida Statutes, is amended to read:

985.02 Legislative intent for the juvenile justice system.—

(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the policy of the state with respect to juvenile justice and delinquency prevention to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

(e) *Encourage and promote diversion options when appropriate, especially for first-time misdemeanant youth or youth 10 years of age or younger.*

The Legislature intends that detention care, in addition to providing secure and safe custody, will promote the health and well-being of the children committed thereto and provide an environment that fosters their social, emotional, intellectual, and physical development.

Section 7. Subsections (39) through (57) of section 985.03, Florida Statutes, are redesignated as subsections (40) through (58), respectively, and a new subsection (38) is added to that section, to read:

985.03 Definitions.—As used in this chapter, the term:

(38) *“Ordinary medical care” means medical procedures that are administered or performed on a routine basis and include, but are not limited to, inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventive services, medication management, chronic disease management, and other medical procedures that are administered or performed on a routine basis and that do not involve hospitalization, surgery, or use of general anesthesia.*

Section 8. Subsections (1), (2), and (4) of section 985.037, Florida Statutes, are amended, and subsections (3) and (5) of that section are redesignated as subsections (1) and (2) of section 985.0375, Florida Statutes, and amended to read:

985.037 Punishment for contempt of court; ~~alternative sanctions.~~—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction. A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility not to exceed 5 days for a first offense and not to exceed 15 days for a second or subsequent offense.

(3)(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE PROCESS.—

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

(b) If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child

committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, under s. 985.033.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(c) The court may not order that a child be placed in a secure facility for punishment for contempt unless the court determines that an alternative sanction is inappropriate or unavailable or that the child was initially ordered to an alternative sanction and did not comply with the alternative sanction. The court is encouraged to order a child to perform community service, up to the maximum number of hours, where appropriate before ordering that the child be placed in a secure facility as punishment for contempt of court.

(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license or driving privilege. The court may order that a child's driver's license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver's license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver's license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive.

985.0375 *Alternative sanctions.*—

(1)(3) ~~ALTERNATIVE SANCTIONS.~~—Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department of ~~Juvenile Justice~~ to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

(2)(6) ~~ALTERNATIVE SANCTIONS COORDINATOR.~~—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (1) (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based

alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, to implement s. 790.22(4) in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 9. Subsections (1) and (7) of section 985.04, Florida Statutes, are amended to read:

985.04 Oaths; records; confidential information.—

(1) Except as provided in subsections (2), (3), (6), and (7) and s. 943.053, all information obtained under this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole Commission, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the department and its designees, the Department of Corrections, the Department of Children and Family Services, the Parole Commission, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(7)(a) Records in the custody of the department regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the department who have a need therefor in order to perform their official duties; to other persons as authorized by rule of the department; and, upon request, to the Department of Corrections and the Department of Children and Family Services. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

(b) The destruction of records pertaining to children committed to or supervised by the department pursuant to a court order, which records are retained until a child reaches the age of 24 years or until a serious or habitual delinquent child reaches the age of 26 years, shall be subject to chapter 943.

Section 10. Subsection (2) of section 985.245, Florida Statutes, is amended to read:

985.245 Risk assessment instrument.—

(2)(a) The risk assessment instrument for detention care placement determinations and court orders shall be developed by the department in consultation ~~agreement~~ with a committee composed of two representatives appointed by the following associations: the Conference of Circuit Judges of Florida, the Prosecuting Attorneys Association, the Public Defenders Association, the Florida Sheriffs Association, and the Florida Association of Chiefs of Police. Each association shall appoint two individuals, one representing an urban area and one representing a rural area. In addition, the committee shall include two representatives from child advocacy organizations, and two recognized child mental health experts, appointed by the department. The parties involved shall evaluate and revise the risk assessment instrument as is considered necessary using the method for revision as agreed by the parties. The risk

assessment instrument shall be evaluated to determine if the instrument contributes to disproportionate minority contact.

(b) The risk assessment instrument shall take into consideration, but need not be limited to, prior history of failure to appear, prior offenses, prior history of residential delinquency commitments, offenses committed pending adjudication, any unlawful possession of a firearm, theft of a motor vehicle or possession of a stolen motor vehicle, and probation status at the time the child is taken into custody. The risk assessment instrument shall also take into consideration appropriate aggravating and mitigating circumstances, and shall be designed to target a narrower population of children than s. 985.255. The risk assessment instrument shall also include any information concerning the child's history of abuse and neglect. The risk assessment shall indicate whether detention care is warranted, and, if detention care is warranted, whether the child should be placed into secure, nonsecure, or home detention care.

(c) Any risk assessment instrument used for determining detention care placements and court orders shall be validated not later than December 31, 2008, and periodically evaluated thereafter for continued validity.

Section 11. Subsection (5) of section 985.265, Florida Statutes, is amended to read:

985.265 Detention transfer and release; education; adult jails.—

(5) The court shall order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult under part X, except that the court may not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution pursuant to either s. 985.556 or s. 985.557 to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or

(b) When a child taken into custody in this state is wanted by another jurisdiction for prosecution as an adult.

The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children includes physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 15 minutes, except in direct supervision housing with 24-hour supervision. This subsection does not prohibit placing two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.

Section 12. Subsection (2) of section 985.601, Florida Statutes, is amended, and paragraph (e) is added to subsection (3) of that section, to read:

985.601 Administering the juvenile justice continuum.—

(2)(a) The department shall develop and implement an appropriate continuum of care that provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and that uses a system of case management to facilitate each child being appropriately assessed, provided with services, and placed in a program that meets the child's needs.

(b) As part of the continuum of services, the department shall adopt rules establishing procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum as defined in s. 985.03.

The department shall coordinate such rulemaking with other affected agencies to avoid duplication, conflict, or inconsistency.

(3)

(e) *In order to be eligible to participate in the state-funded Intensive Delinquency Diversion Services program, counties having nonstate-funded delinquency programs for youth must include diversion options for first-time misdemeanant youth or youth 10 years of age or younger, unless otherwise prohibited.*

Section 13. Section 985.606, Florida Statutes, is amended to read:

985.606 Prevention services providers; ~~outcome performance~~ data collection; reporting.—Each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offenses, or that are designed to prevent a child from becoming a “child in need of services,” as defined in chapter 984, shall collect data relative to the ~~outcomes related to performance of~~ such activities and shall provide said data to the Governor, the President of the Senate, and the Speaker of the House no later than January 31st of each year for the preceding fiscal year.

Section 14. Subsection (8) is added to section 985.632, Florida Statutes, to read:

985.632 Quality assurance and cost-effectiveness; *outcome-based contracting*.—

(8) *To create an accountable juvenile justice system that is outcome-based, the department is authorized to conduct a demonstration project using outcome performance-based contracts. During the 2008-2009 fiscal year, the department shall develop, in consultation with the Department of Financial Services and a provider organization that has multiple sites, an implementation plan for outcome-based contracting. Such a plan shall include interim and long-term outcome performance measures, strategies for using financial incentives and disincentives to increase provider performance, a plan to shift oversight and monitoring of providers from a compliance-based approach to a more outcome-based approach, and recommendations of needed legislative action to implement. This plan shall be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2009.*

Section 15. Section 985.644, Florida Statutes, is amended to read:

985.644 Departmental contracting powers; personnel standards and screening.—

(1) ~~The department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.~~

(a) ~~When the department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. Each contract entered into by the either department for services delivered on an appointment or intermittent basis by a provider that does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.~~

(b) ~~The department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.~~

(c) ~~The department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.~~

(2) ~~The department may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes and the responsibilities of the delinquency services and programs of the department.~~

(2)(8) The department shall adopt a rule ~~pursuant to chapter 120~~ establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs. A policy is defined as an operational requirement that applies to only the specified contracted delinquency service or program. The procedure ~~must shall~~ include:

- (a) Public notice of policy development.
- (b) Opportunity for public comment on the proposed policy.
- (c) Assessment for fiscal impact upon the department and providers.
- (d) The department's response to comments received.

~~(4) When the department contracts with a provider for any delinquency service or program, all personnel, including all owners, operators, employees, and volunteers in the facility or providing the service or program shall be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month is not required to be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.~~

(3)(5)(a) For any person employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs, the department shall require:

- 1. A level 2 employment screening pursuant to chapter 435 prior to employment.
- 2. A federal criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

(b) Except for law enforcement, correctional, and correctional probation officers, to whom s. 943.13(5) applies, the department shall electronically submit to the Department of Law Enforcement:

- 1. Fingerprint information obtained during the employment screening required by subparagraph (a)1.
- 2. Beginning on December 15, 2005, fingerprint information for all persons employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs if such fingerprint information has not previously been electronically submitted to the Department of Law Enforcement under this paragraph.

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Thereafter, such fingerprint information shall be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed ~~under pursuant to~~ paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated fingerprint system ~~under pursuant to~~ this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by the Department of Law Enforcement by rule.

(d) The department shall pay an annual fee to the Department of Law Enforcement for its costs resulting from the fingerprint information retention services required by this subsection. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by the Department of Law Enforcement ~~by adopting~~ a rule that is applicable to the department individually ~~under pursuant to~~ this subsection or that is applicable to the department and other employing agencies pursuant to rulemaking authority otherwise provided by law.

(e) The department shall notify the Department of Law Enforcement when a person whose fingerprint information is retained by the Department of Law Enforcement under this subsection is no longer employed by the department, or by a provider under contract with the department, in a delinquency facility, service, or program. This notice shall be provided by the department to the Department of Law Enforcement no later than 6 months after the date of the change in the person's employment status. Fingerprint information for persons identified by the department

in the notice shall be removed from the statewide automated fingerprint system.

~~(6) The department may grant exemptions from disqualification from working with children as provided in s. 435.07.~~

Section 16. Subsections (2), (3), (4), (5), (6), (7), (8), and (9) of section 985.66, Florida Statutes, are amended to read:

985.66 Juvenile justice training academies; Juvenile Justice Standards and Training Commission; Juvenile Justice Training Trust Fund.—

~~(2) STAFF DEVELOPMENT AND TRAINING JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION.—~~

~~(a) There is created under the Department of Juvenile Justice the Juvenile Justice Standards and Training Commission, hereinafter referred to as the commission. The 17-member commission shall consist of the Attorney General or designee, the Commissioner of Education or designee, a member of the juvenile court judiciary to be appointed by the Chief Justice of the Supreme Court, and 14 members to be appointed by the Secretary of Juvenile Justice as follows:~~

~~1. Seven members shall be juvenile justice professionals: a superintendent or a direct care staff member from an institution; a director from a contracted community-based program; a superintendent and a direct care staff member from a regional detention center or facility; a juvenile probation officer supervisor and a juvenile probation officer; and a director of a day treatment or conditional release program. No fewer than three of these members shall be contract providers.~~

~~2. Two members shall be representatives of local law enforcement agencies.~~

~~3. One member shall be an educator from the state's university and community college program of criminology, criminal justice administration, social work, psychology, sociology, or other field of study pertinent to the training of juvenile justice program staff.~~

~~4. One member shall be a member of the public.~~

~~5. One member shall be a state attorney, or assistant state attorney, who has juvenile court experience.~~

~~6. One member shall be a public defender, or assistant public defender, who has juvenile court experience.~~

~~7. One member shall be a representative of the business community.~~

~~All appointed members shall be appointed to serve terms of 2 years.~~

~~(b) The composition of the commission shall be broadly reflective of the public and shall include minorities and women. The term "minorities" as used in this paragraph means a member of a socially or economically disadvantaged group that includes blacks, Hispanics, and American Indians.~~

~~(c) The Department of Juvenile Justice shall provide the commission with staff necessary to assist the commission in the performance of its duties.~~

~~(d) The commission shall annually elect its chairperson and other officers. The commission shall hold at least four regular meetings each year at the call of the chairperson or upon the written request of three members of the commission. A majority of the members of the commission constitutes a quorum. Members of the commission shall serve without compensation but are entitled to be reimbursed for per diem and travel expenses as provided by s. 112.061 and these expenses shall be paid from the Juvenile Justice Training Trust Fund.~~

~~(e) The powers, duties, and functions of the department commission shall be to:~~

~~(a)1. Designate the location of the training academies; develop, implement, maintain, and update the curriculum to be used in the training of delinquency juvenile justice program staff; establish timeframes for participation in and completion of training by delinquency juvenile justice program staff; develop, implement, maintain, and update job-related examinations; develop, implement, and update the types and frequencies of evaluations of the training academies; approve, modify, or~~

~~disapprove the budget for the training academies, and the contractor to be selected to organize and operate the training academies and to provide the training curriculum.~~

~~(b)2. Establish uniform minimum job-related training courses and examinations for delinquency juvenile justice program staff.~~

~~(c)3. Consult and cooperate with the state or any political subdivision; any private entity or contractor; and with private and public universities, colleges, community colleges, and other educational institutions concerning the development of juvenile justice training and programs or courses of instruction, including, but not limited to, education and training in the areas of juvenile justice.~~

~~(d)4. Enter into With the approval of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary in the execution of its powers or the performance of its duties.~~

~~5. Make recommendations to the Department of Juvenile Justice concerning any matter within the purview of this section.~~

~~(3) JUVENILE JUSTICE TRAINING PROGRAM.—The department commission shall establish a certifiable program for juvenile justice training pursuant to this section, and all delinquency department program staff and providers who deliver direct care services pursuant to contract with the department shall be required to participate in and successfully complete the commission-approved program of training pertinent to their areas of responsibility. Judges, state attorneys, and public defenders, law enforcement officers, and school district personnel may participate in such training program. For the delinquency juvenile justice program staff, the department commission shall, based on a job-task analysis:~~

~~(a) Design, implement, maintain, evaluate, and revise a basic training program, including a competency-based examination, for the purpose of providing minimum employment training qualifications for all delinquency program staff juvenile justice personnel. All delinquency program staff of the department and providers who deliver direct-care services who are hired after October 1, 1999, must meet the following minimum requirements:~~

~~1. Be at least 19 years of age.~~

~~2. Be a high school graduate or its equivalent as determined by the department commission.~~

~~3. Not have been convicted of any felony or a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after September 30, 1999, pleads guilty or nolo contendere to or is found guilty of any felony or a misdemeanor involving perjury or false statement is not eligible for employment, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subparagraph, any person who pled nolo contendere to a misdemeanor involving a false statement before October 1, 1999, and who has had such record of that plea sealed or expunged is not ineligible for employment for that reason.~~

~~4. Abide by all the provisions of s. 985.644(1) regarding fingerprinting and background investigations and other screening requirements for personnel.~~

~~5. Execute and submit to the department an affidavit-of-application form, adopted by the department, attesting to his or her compliance with subparagraphs 1.-4. The affidavit must be executed under oath and constitutes an official statement under s. 837.06. The affidavit must include conspicuous language that the intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The employing agency shall retain the affidavit.~~

~~(b) Design, implement, maintain, evaluate, and revise an advanced training program, including a competency-based examination for each training course, which is intended to enhance knowledge, skills, and abilities related to job performance.~~

~~(c) Design, implement, maintain, evaluate, and revise a career development training program, including a competency-based examination~~

for each training course. Career development courses are intended to prepare personnel for promotion.

(d) The ~~department commission~~ is encouraged to design, implement, maintain, evaluate, and revise juvenile justice training courses, or to enter into contracts for such training courses, that are intended to provide for the safety and well-being of both citizens and juvenile offenders.

(4) JUVENILE JUSTICE TRAINING TRUST FUND.—

(a) There is created within the State Treasury a Juvenile Justice Training Trust Fund to be used by the Department of Juvenile Justice for the purpose of funding the development and updating of a job-task analysis of ~~delinquency program staff juvenile justice personnel~~; the development, implementation, and updating of job-related training courses and examinations; ~~and the cost of commission-approved juvenile justice training courses; and reimbursement for expenses as provided in s. 112.061 for members of the commission and staff.~~

(b) One dollar from every noncriminal traffic infraction collected pursuant to ss. 318.14(10)(b) and 318.18 shall be deposited into the Juvenile Justice Training Trust Fund.

(c) In addition to the funds generated by paragraph (b), the trust fund may receive funds from any other public or private source.

(d) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.

(5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—The number, location, and establishment of juvenile justice training academies shall be determined by the ~~department commission~~.

(6) SCHOLARSHIPS AND STIPENDS.—

(a) By rule, the ~~department commission~~ shall establish criteria to award scholarships or stipends to qualified ~~delinquency program staff juvenile justice personnel~~ who are residents of the state who want to pursue a bachelor's or associate in arts degree in juvenile justice or a related field. The department shall handle the administration of the scholarship or stipend. The Department of Education shall handle the notes issued for the payment of the scholarships or stipends. All scholarship and stipend awards shall be paid from the Juvenile Justice Training Trust Fund upon vouchers approved by the Department of Education and properly certified by the Chief Financial Officer. Prior to the award of a scholarship or stipend, the ~~delinquency program staff juvenile justice employee~~ must agree in writing to practice her or his profession in juvenile justice or a related field for 1 month for each month of grant or to repay the full amount of the scholarship or stipend together with interest at the rate of 5 percent per annum over a period not to exceed 10 years. Repayment shall be made payable to the state for deposit into the Juvenile Justice Training Trust Fund.

(b) The ~~department commission~~ may establish the scholarship program by rule and implement the program on or after July 1, 1996.

(7) ADOPTION OF RULES.—The ~~department may commission~~ shall adopt rules as necessary to carry out the provisions of this section.

(8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of Risk Management of the Department of Financial Services is authorized to insure a private agency, individual, or corporation operating a state-owned training school under a contract to carry out the purposes and responsibilities of any program of the department. The coverage authorized herein shall be under the same general terms and conditions as the department is insured for its responsibilities under chapter 284.

(9) *As used in this section, the term "delinquency program staff" means supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program that is owned and operated by the department. The Juvenile Justice Standards and Training Commission is terminated on June 30, 2001, and such termination shall be reviewed by the Legislature prior to that date.*

Section 17. Section 985.664, Florida Statutes, is amended to read:

985.664 Juvenile justice circuit boards and juvenile justice county councils.—

(1) There is authorized a juvenile justice circuit board to be established in each of the 20 judicial circuits and a juvenile justice county council to be established in each of the 67 counties. The purpose of each juvenile justice circuit board and each juvenile justice county council is to provide advice and direction to the department *and the Children and Youth Cabinet* in the development and implementation of juvenile justice programs and to work collaboratively with the department in seeking program improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency.

(2) Each juvenile justice county council shall develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit. *As part of such plan, each council and board shall make provision for continual monitoring to identify and remedy disproportionate minority contact with the juvenile justice system. The Children and Youth Cabinet shall consider these local plans in implementing s. 402.56(5).*

(3) Juvenile justice circuit boards and county councils shall also participate in facilitating interagency cooperation and information sharing *with local school authorities, law enforcement agencies, state attorneys, public defenders, judicial entities, local representatives of the department, the Department of Children and Family Services, and faith-based and community-based organizations for the purposes of forwarding the goals of the county or circuit plan. Such interagency collaborations shall specify how the community's entities will cooperate, collaborate, and share information to achieve the goals of the juvenile justice prevention and early intervention plan or the comprehensive plan for the circuit.*

(4) Juvenile justice circuit boards and county councils may apply for and receive public or private grants to be administered by one of the community partners that support one or more components of the county or circuit plan.

(5) Juvenile justice circuit boards and county councils shall advise and assist the department in the evaluation and award of prevention and early intervention grant programs, including the Community Juvenile Justice Partnership Grant program established in s. 985.676 and proceeds from the Invest in Children license plate annual use fees.

(6) Each juvenile justice circuit board shall provide an annual report to the department *and to the Children and Youth Cabinet* describing the activities of the circuit board and each of the county councils contained within its circuit. *Such reports must be agreed upon and signed by each acting chair of the board and council and submitted to the Children and Youth Cabinet through the department secretary or the secretary's designee. The department may prescribe a format and content requirements for submission of annual reports.*

(7) Membership of the juvenile justice circuit board may not exceed 18 members, except as provided in subsections (8) and (9). Members must include the state attorney, the public defender, and the chief judge of the circuit, or their respective designees. The remaining 15 members of the board must be appointed by the county councils within that circuit. *The board where possible must be composed of an equitable number of members include at least one representative from each county council within the circuit, taking into account differences in population. In appointing members to the circuit board, the county councils must reflect:*

(a) The circuit's geography and population distribution.

(b) Juvenile justice partners, including, but not limited to, representatives of law enforcement, the school system, and the Department of Children and Family Services.

(c) Diversity in the judicial circuit.

(d) *Representation from residents of the targeted high-crime zip code communities as identified by the department and based on referral rates within the county.*

(8) At any time after the adoption of initial bylaws pursuant to subsection (12), a juvenile justice circuit board may revise the bylaws to

increase the number of members by not more than three in order to adequately reflect the diversity of the population and community organizations or agencies in the circuit.

(9) If county councils are not formed within a circuit, the circuit board may establish its membership in accordance with subsection (10). For juvenile justice circuit boards organized pursuant to this subsection, the state attorney, public defender, and chief circuit judge, or their respective designees, shall be members of the circuit board.

(10) Membership of the juvenile justice county councils, or juvenile justice circuit boards established under subsection (9), *must include representation from residents of the targeted high-crime zip code communities as identified by the department and based on referral rates within the county and may also include representatives from the following entities:*

(a) Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.

(b) Representatives of the board of county commissioners.

(c) Representatives of the governing bodies of local municipalities within the county.

(d) A representative of the corresponding circuit or regional entity of the Department of Children and Family Services.

(e) Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.

(f) Representatives of the judicial system.

(g) Representatives of the business community.

(h) Representatives of other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates. Private providers of juvenile justice programs may not exceed one-third of the voting membership.

(i) Representatives of the faith community.

(j) Representatives of victim-service programs and victims of crimes.

(k) Representatives of the Department of Corrections.

(11) Each juvenile justice county council, or juvenile justice circuit board established under subsection (9), must provide for the establishment of an executive committee of not more than 10 members. The duties and authority of the executive committee must be addressed in the bylaws.

(12) Each juvenile justice circuit board and county council shall develop bylaws that provide for officers and committees as the board or council deems necessary and shall specify the qualifications, method of selection, and term for each office created. The bylaws shall address at least the following issues: process for appointments to the board or council; election or appointment of officers; filling of vacant positions; duration of member terms; provisions for voting; meeting attendance requirements; and the establishment and duties of an executive committee, if required under subsection (11).

(13) *The secretary shall meet at least annually, individually or collectively, by telephone or in person, with the chair of the juvenile justice circuit boards and the Children and Youth Cabinet in order to:*

1. Advise juvenile justice circuit board chairs of statewide juvenile justice issues and activities.

2. Provide and receive comments on prevention and intervention program budget priorities.

3. Provide and receive comments on the planning process.

4. Discuss program development, program implementation, quality assurance, and program outcomes.

(14)(13) Members of juvenile justice circuit boards and county councils are subject to the provisions of part III of chapter 112.

(15) *Juvenile justice circuit boards and county councils shall use due diligence in notifying the community of board vacancies through various community outreach outlets such as community newspapers, churches, and free public announcements.*

Section 18. Section 985.668, Florida Statutes, is amended to read:

985.668 Innovation zones.—The department shall encourage each of the juvenile justice circuit boards, *in consultation with the juvenile justice county council within the circuit*, to propose at least one innovation zone within the circuit for the purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a circuit, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(1)(a) The juvenile justice circuit board shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

(b) For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

(c) For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.

(2) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(3) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the Office of Program Policy Analysis and Government Accountability, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one operating circuit may not be used to fund an innovation zone in another operating circuit.

(4) Program models for innovation zone projects include, but are not limited to:

(a) A forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland fire-fighting, enhancement of state land management, environmental enhancement, and land restoration.

(b) A collaborative public/private dropout prevention partnership that trains personnel from both the public and private sectors of a target community who are identified and brought into the school system as an additional resource for addressing problems which inhibit and retard learning, including abuse, neglect, financial instability, pregnancy, and substance abuse.

(c) A support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.

(d) A juvenile offender job training program that offers an opportunity for juvenile offenders to develop educational and job skills in a 12-month to 18-month nonresidential training program, teaching the offenders skills such as computer-aided design, modular panel construction, and heavy vehicle repair and maintenance which will readily transfer to the private sector, thereby promoting responsibility and productivity.

(e) An infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption, reduce the incidence of babies born prematurely or with low

birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.

(f) A regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school dropouts.

(g) An alternative education outreach school program that serves delinquent repeat offenders between 14 and 18 years of age who have demonstrated failure in school and who are referred by the juvenile court.

(h) A drug treatment and prevention program that provides early identification of children with alcohol or drug problems to facilitate treatment, comprehensive screening and assessment, family involvement, and placement options.

(i) A community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.

Section 19. Paragraph (a) of subsection (2) and subsection (3) of section 985.676, Florida Statutes, are amended to read:

985.676 Community juvenile justice partnership grants.—

(2) GRANT APPLICATION PROCEDURES.—

(a) Each entity wishing to apply for an annual community juvenile justice partnership grant, which may be renewed ~~for a maximum of 2 additional years~~ for the same provision of services, shall submit a grant proposal for funding or continued funding to the department. The department shall establish the grant application procedures. In order to be considered for funding, the grant proposal shall include the following assurances and information:

1. A letter from the chair of the juvenile justice circuit board confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the board.

2. A rationale and description of the program and the services to be provided, including goals and objectives.

3. A method for identification of the juveniles most likely to be involved in the juvenile justice system who will be the focus of the program.

4. Provisions for the participation of parents and guardians in the program.

5. Coordination with other community-based and social service prevention efforts, including, but not limited to, drug and alcohol abuse prevention and dropout prevention programs, that serve the target population or neighborhood.

6. An evaluation component to measure the effectiveness of the program in accordance with s. 985.632.

7. A program budget, including the amount and sources of local cash and in-kind resources committed to the budget. The proposal must establish to the satisfaction of the department that the entity will make a cash or in-kind contribution to the program of a value that is at least equal to 20 percent of the amount of the grant.

8. The necessary program staff.

(b) The department shall consider the following in awarding such grants:

1. The recommendations of the juvenile justice county council as to the priority that should be given to proposals submitted by entities within a county.

2. The recommendations of the juvenile justice circuit board as to the priority that should be given to proposals submitted by entities within a circuit.

As the first priority, the department shall fund applications that meet the requirements of this section and also fulfill the local juvenile justice circuit board and county council plans.

(3) RESTRICTIONS.—~~This section does not prevent a program initiated under a community juvenile justice partnership grant established pursuant to this section from continuing to operate beyond the 3-year maximum funding period if it can find other funding sources. Likewise, This section does not restrict the number of programs an entity may apply for or operate.~~

Section 20. Section 985.721, Florida Statutes, is amended to read:

985.721 Escapes from secure detention or residential commitment facility.—An escape from:

(1) Any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement;

(2) Any residential commitment facility described in s. 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or

(3) Lawful transportation to or from any such secure detention facility or residential commitment facility,

Section 7. constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. Subsections (1) and (2) of section 1006.13, Florida Statutes, are amended to read:

1006.13 Policy of ~~zero tolerance~~ for crime and victimization.—

(1) Each district school board shall adopt a policy of ~~zero tolerance~~ for:

(a) Crime and substance abuse, including the reporting of delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the district school board.

(b) Victimization of students, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(2) The ~~zero tolerance~~ policy shall require students found to have committed one of the following *serious criminal* offenses to be expelled, with or without continuing educational services, from the student's regular school for *at least a period of not less than* 1 full year, and to be referred to the criminal justice or juvenile justice system.

(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student with a disability, the district school board ~~must shall~~ comply with applicable State Board of Education rules.

Section 22. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options; amending s. 984.05, F.S., conforming

cross-references; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending and renumbering provisions of s. 985.037, F.S., relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official’s service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing for additional representatives to be included on the committee formed to advise the Department of Juvenile Justice on the risk assessment instrument; requiring periodic evaluation of the risk assessment instrument; amending s. 985.265, F.S.; providing an exception to required supervision in direct supervision housing; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that, to the extent possible within available fiscal resources, the procedures must be commensurate with procedures that youth receive in the community; amending s. 985.606, F.S.; revising provisions governing data collection; amending s. 985.632, F.S.; authorizing the department to conduct a demonstration project in order to create an accountable juvenile justice system that is outcome-based; amending s. 985.644, F.S., relating to departmental contracting powers; removing references to the Department of Children and Family Services; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; requiring the department to adopt rules; amending s. 985.664, F.S., relating to the juvenile justice circuit boards and juvenile justice county councils; providing a reference to the Children and Youth Cabinet; requiring that juvenile justice circuit boards and county councils participate in facilitating interagency cooperation and information sharing with certain entities; requiring that such collaborations specify certain information; providing requirements for the annual reports required to be submitted by each juvenile justice circuit board; amending s. 985.668, F.S.; encouraging each juvenile justice circuit board, in consultation with the juvenile justice county council, to propose an innovation zone within the circuit; amending s. 985.676, F.S.; including the development and implantation of a strategic plan; amending s. 985.721, F.S.; conforming a cross-reference; amending s. 1006.13, F.S.; removing the reference of zero tolerance; providing an effective date.

On motion by Senator Crist, by two-thirds vote **CS for HB 7087** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Baker	Garcia	Rich
Bennett	Geller	Ring
Bullard	Haridopolos	Saunders
Constantine	Jones	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Margolis	

Nays—4

Hill	Lynn	Siplin
Joyner		

Vote after roll call:

Yea—Atwater, Webster

CS for SB 734—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Florida Tennis license plate; creating a Lighthouse Association license plate; creating an In God We Trust license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—as amended April 25 was read the third time by title.

Senator Gaetz moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (464554)(with title amendment)—Delete line(s) 11-92 and insert:

Section 1. Paragraphs (mmm), (nnn), (ooo), and (ppp) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mmm) *Florida Tennis license plate, \$25.*

(nnn) *Lighthouse Association license plate, \$25.*

(ooo) *In God We Trust license plate, \$25.*

(ppp) *Horse Country license plate, \$25.*

Section 2. Subsections (65), (66), (67), and (68) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(65) **FLORIDA TENNIS LICENSE PLATES.**—

(a) *The department shall develop a Florida Tennis license plate as provided in this section. The word “Florida” must appear at the top of the plate and the words “Play Tennis” must appear at the bottom of the plate. The United States Tennis Association Florida Section Foundation may submit a revised sample plate for consideration by the department.*

(b) *The department shall distribute the annual use fees to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:*

1. *Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation to administer the license plate program.*

2. *The United States Tennis Association Florida Section shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.*

3. *Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.*

(c) *All grant recipients shall provide to the United States Tennis Association Florida Section Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.*

(66) **LIGHTHOUSE ASSOCIATION LICENSE PLATES.**—

(a) *The department shall develop a Lighthouse Association license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Visit Our Lights” must appear at the bottom of the plate.*

(b) *The annual use fees shall be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.*

(67) **IN GOD WE TRUST LICENSE PLATES.**—

(a) *The department shall develop an In God We Trust license plate as provided in this section. However, the requirements of s. 320.08053 must*

be met before the plates are issued. In God We Trust license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "In God We Trust" must appear in the body of the plate.

(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:

1. The In God We Trust Foundation, Inc., shall retain all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.

2. Ten percent of the funds received by the In God We Trust Foundation, Inc., shall be expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.

3. All remaining funds shall be expended by the In God We Trust Foundation, Inc., for programs.

(68) HORSE COUNTRY LICENSE PLATES.—

(a) Notwithstanding s. 320.08053, the department shall develop a Horse Country license plate as provided in this section. Horse Country license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Horse Country" must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to PCMI Properties, Inc., to fund programs involved in the rehabilitation of at-risk youth as directed by the Board of Trustees of PCMI Properties, Inc. Such funds may be used to provide educational materials, athletic equipment, transportation, food, medical services, counseling, scholarships, and other direct administrative and program expenses. The funds may also be used as grants for expansion of youth rehabilitation programs in the state. Special consideration shall be given to programs using horses and other livestock in the efforts to redirect at-risk youth. PCMI Properties, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the plate, and as necessary for annual audit or compliance affidavit costs.

And the title is amended as follows:

On line(s) 5, after the semicolon (;) insert: creating a Horse Country license plate;

Senator Storms moved the following amendment:

Amendment 2 (360666)(with directory and title amendments)—Delete lines 13-62 and insert:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mmm) Florida Tennis license plate, \$25.

(nnn) Lighthouse Association license plate, \$25.

(ooo) I Believe license plate, \$25.

(ppp) In God We Trust license plate, \$25.

Section 2. Subsections (65), (66), (67), and (68) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(65) FLORIDA TENNIS LICENSE PLATES.—

(a) The department shall develop a Florida Tennis license plate as provided in this section. The word "Florida" must appear at the top of the plate and the words "Play Tennis" must appear at the bottom of the plate. The United States Tennis Association Florida Section Foundation may submit a revised sample plate for consideration by the department.

(b) The department shall distribute the annual use fees to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation to administer the license plate program.

2. The United States Tennis Association Florida Section shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

(c) All grant recipients shall provide to the United States Tennis Association Florida Section Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.

(66) LIGHTHOUSE ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Lighthouse Association license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Visit Our Lights" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.

(67) I BELIEVE LICENSE PLATES.—

(a) The department shall develop an I Believe license plate as provided in this section. However, the requirements of s. 320.08053 must be met before the plates are issued. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "I Believe" must appear at the bottom of the plate.

(b) The annual use fees from the plate shall be distributed to Faith in Teaching, Inc., which may retain all revenue from the use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, Faith in Teaching, Inc., shall allocate the annual use fees as follows:

1. A maximum of 10 percent may be used to offset administrative costs incurred by Faith in Teaching, Inc.;

2. A maximum of 10 percent may be used to promote and market the plate; and

3. The remaining funds shall be used to fund programs, activities, and projects that promote faith-based education for youth in this state.

(Redesignate subsequent subsection.)

And the directory clause is amended as follows:

Delete line 11 and insert:

Section 1. Paragraphs (mmm), (nnn), (ooo), and (ppp) are added to

And the title is amended as follows:

On line 4, after the second semicolon (;) insert: creating an I Believe license plate;

POINT OF ORDER

Senator Geller raised a point of order that pursuant to Rule 7.1 **Amendment 2 (360666)** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

The President referred the point of order and the amendment to Senator King, Chair of the Committee on Rules.

On motion by Senator Fasano, further consideration of **CS for SB 734** with pending **Amendment 2 (360666)** and pending point of order was deferred.

CS for CS for HB 1175—A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid nonemergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term “purchasing agency”; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation services for the transportation disadvantaged; providing requirements for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to identify its allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Fasano, **CS for CS for HB 1175** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Justice
Alexander	Dockery	King
Aronberg	Fasano	Lawson
Bennett	Gaetz	Lynn
Bullard	Garcia	Margolis
Carlton	Geller	Oelrich
Constantine	Haridopolos	Peaden
Crist	Hill	Posey
Dean	Jones	Rich
Deutch	Joyner	Ring

Saunders	Storms	Wilson
Siplin	Villalobos	Wise

Nays—None

Vote after roll call:

Yea—Atwater, Webster

On motion by Senator Villalobos, by two-thirds vote **CS for HB 531** was withdrawn from the Committees on Community Affairs; Criminal Justice; Governmental Operations; and General Government Appropriations.

On motion by Senator Villalobos, by two-thirds vote—

CS for HB 531—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; revising the criteria under which certain employees of the Department of Law Enforcement, the Division of State Fire Marshal, or a local government law enforcement agency or medical examiner's office are eligible for membership in the Special Risk Class; authorizing the Department of Management Services to review the special risk designation of certain members; authorizing certain members to purchase additional retirement credit to upgrade prior service to Special Risk Class service; providing for the calculation of contributions for such service upgrade; authorizing the employer to purchase such additional credit for certain members; providing a declaration of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 800** and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **CS for HB 531** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Atwater, Webster

On motion by Senator Joyner, by two-thirds vote **CS for HB 1509** was withdrawn from the Committees on Transportation; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Joyner, by two-thirds vote—

CS for HB 1509—A bill to be entitled An act relating to community service for infractions of noncriminal traffic offenses; amending s. 318.18, F.S.; requiring a court to allow a person to satisfy a civil penalty for an infraction of a noncriminal traffic offense by participating in community service if the person is unable to pay the civil penalty due to a demonstrable financial hardship; requiring that a person participating in community service receive credit for the civil penalty at the specified hourly credit rate per hour of community service performed or at the prevailing wage rate for a trade or profession; defining the term “specified hourly credit rate”; providing responsibilities for community service agencies; defining the terms “community service” and “community service agency”; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 858** as amended and by two-thirds vote read the second time by title. On motion by Senator Joyner, by two-thirds vote **CS for HB 1509** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Atwater

CS for SB 940—A bill to be entitled An act relating to employee leasing companies; providing a short title; amending s. 443.036, F.S.; redefining the term “employee leasing company”; amending s. 443.1216, F.S.; requiring quarterly reports that include client and establishment specific information; authorizing the Agency for Workforce Innovation to adopt rules; providing enforcement authority; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for SB 940** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Atwater

CS for SB 948—A bill to be entitled An act relating to concealed weapons licenses; amending s. 790.06, F.S.; extending the period that a license is valid; specifying that the United States residency required to obtain a license to carry a concealed weapon or firearm means that the licensee must be a United States citizen or a permanent resident alien of the United States; providing legislative intent; providing applicability; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for SB 948** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 7053** was withdrawn from the Committees on Health Policy; and Governmental Operations.

On motion by Senator Crist, by two-thirds vote—

HB 7053—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Kidcare program; amending s. 409.821, F.S.; reorganizing the exemption; authorizing release of information to any governmental entity in the performance of its official duties and responsibilities; providing that the public record exemption does not prohibit the release of certain information to the legal guardian of an enrollee; removing superfluous language; repealing s. 2, ch. 2003-104, Laws of Florida, which provides for repeal of the exemption; repealing s. 624.91(8), F.S., which provides a duplicative public records exemption for the Florida Healthy Kids Corporation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1090** as amended and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 7053** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Jones, by two-thirds vote **HB 797** was withdrawn from the Committees on Regulated Industries; and Higher Education.

On motion by Senator Jones, by two-thirds vote—

HB 797—A bill to be entitled An act relating to public accountancy; amending s. 473.306, F.S.; revising prerequisites for taking the examination for licensure as a certified public accountant; eliminating certain obsolete provisions; amending s. 473.308, F.S.; revising and updating the requirements for education and work experience; requiring the Board of Accountancy to adopt rules governing requirements for work experience; clarifying provisions that specify what constitutes good moral character for purposes of qualifying for licensure as a certified

public accountant; revising provisions governing licensure by endorsement; amending s. 473.323, F.S.; correcting a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1206** and by two-thirds vote read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 797** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Aronberg

CS for CS for SB 1598—A bill to be entitled An act relating to health insurance; amending ss. 627.42395 and 641.31, F.S.; requiring health insurance policies and health maintenance contracts in this state to provide additional premium coverage for amino-acid-based elemental formulas for the treatment of certain medical conditions; revising a prerequisite concerning such coverage to authorize persons holding certain licenses to prescribe or order such formulas; limiting application to children of a certain age; amending s. 627.6741, F.S.; requiring an insurer issuing Medicare supplement policies to offer a Medicare supplement policy without conditioning the issuance or discriminating in the price based on health status to individuals who are eligible for Medicare due to having end-stage renal disease and who meet other conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1598** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Baker, by two-thirds vote **CS for HB 937** was withdrawn from the Committees on Banking and Insurance; Governmental Operations; and General Government Appropriations.

On motion by Senator Baker, by two-thirds vote—

CS for HB 937—A bill to be entitled An act relating to title insurance; creating the Florida 2008 Title Insurance Study Advisory Council; pro-

viding for membership; providing for administrative support for the council; providing responsibilities of the council; authorizing the council to invite independent actuaries to provide certain information; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review and report to the council; requiring that the report be submitted to the council by a certain date; providing council meeting requirements; requiring the council to file a report with the Governor and the Legislature; providing for termination of the council; providing appropriations and authorizing additional positions; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1684** and by two-thirds vote read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for HB 937** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Baker, by two-thirds vote **CS for HB 607** was withdrawn from the Committees on Health Regulation; and Higher Education Appropriations.

On motion by Senator Baker, by two-thirds vote—

CS for HB 607—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.80, F.S.; providing and revising definitions; amending s. 468.801, F.S.; changing composition of the Board of Orthotists and Prosthetists; removing obsolete requirement for initial staggering of terms; amending s. 468.802, F.S.; expanding the authority for rule adoption to include standards of practice for orthotic fitters, orthotic fitter assistants, and residents; amending s. 468.803, F.S.; providing for registration for a resident to practice orthotics or prosthetics; authorizing licensure as a prosthetist-orthotist; providing requirements for such licensure; requiring applicants for registration, examination, or licensure to apply on Department of Health forms; requiring applicants to submit fingerprints and a fee to cover department costs for criminal background checks; requiring board verification of certain information prior to an applicant's examination, registration, or licensure; providing requirements for registration as a resident in orthotics or prosthetics; providing for registration and renewal fees for registration; authorizing either the Department of Health to develop and administer a state examination for an orthotist or prosthetist license or the board to approve an existing examination of a national standards organization; providing examination requirements; authorizing examination fees; delineating applicant qualifications for examination; delineating requirements for licensure and licensure fees for an orthotist, a prosthetist, an orthotic fitter, an orthotic fitter assistant, and a pedorthist; amending s. 468.806, F.S.; revising materials required for submission for biennial license renewal, including information necessary to conduct a statewide criminal history check and payment of costs therefor; requiring certain mandatory courses, standards and qualifications for continuing education courses, and standards and qualifications for course providers to be established by rule; repealing s. 468.807, F.S., relating to issuance of a temporary license; amending s. 468.808, F.S.; revising duties that can be delegated to unlicensed support personnel; providing requirements for support personnel identification; amending s. 468.809, F.S.; including the practice of orthotics, prosthetics, or pedorthics without registration in certain prohibitions; providing penalties; creating s. 468.8095, F.S.; requiring licensees and registrants to post licenses, registrations, recent photographs, and certain notices in

a facility and to wear certain identification tags or badges; amending s. 468.811, F.S.; revising grounds for denial of a license or disciplinary action; providing grounds for denial of registration; amending s. 468.812, F.S.; revising provisions exempting certain persons from licensure; amending s. 468.813, F.S.; revising requirements regarding use of titles providing requirements for such licensure; providing an effective dates.

—a companion measure, was substituted for **CS for CS for SB 1696** as amended and by two-thirds vote read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for HB 607** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 7105—A bill to be entitled An act relating to postsecondary distance learning; establishing the Florida Distance Learning Task Force; providing for membership; requiring the task force to submit a report containing certain recommendations to the Governor, the Legislature, and certain entities by a specified date; providing for future expiration; creating s. 1004.09, F.S.; establishing the Florida Higher Education Distance Learning Catalog; requiring that the Florida Distance Learning Consortium establish guidelines and procedures and provide information on certain requirements and information relating to distance learning courses and degree programs; requiring that the catalog include an Internet-based analytic tool that collects and analyzes certain data; amending s. 1009.23, F.S.; exempting a distance learning course from laboratory fees; authorizing the State Board of Education to adopt rules; authorizing a community college to assess a student enrolled in a course listed in the catalog a per-credit-hour user fee; requiring that such fee not exceed a certain amount; prohibiting the assessment of other fees if the distance learning course user fee is assessed; requiring that the board of trustees report to the Division of Community Colleges the total amount of revenue generated by such fee for the preceding year and how such fee was expended; requiring that the link for the catalog be prominently displayed on the institution's website; amending s. 1009.24, F.S.; authorizing a state university to assess a per-credit-hour distance learning course fee; requiring that such fee not exceed a certain amount; prohibiting the state university from assessing duplicative fees to cover the same additional costs; requiring that the link to the catalog be prominently displayed on the institution's website; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for HB 7105** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Haridopolos
Alexander	Dean	Hill
Aronberg	Deutch	Jones
Atwater	Diaz de la Portilla	Joyner
Baker	Dockery	Justice
Bennett	Fasano	King
Bullard	Gaetz	Lawson
Carlton	Garcia	Lynn
Constantine	Geller	Margolis

Oelrich	Ring	Villalobos
Peaden	Saunders	Webster
Posey	Siplin	Wilson
Rich	Storms	Wise

Nays—None

The Senate resumed consideration of—

CS for SB 734—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Florida Tennis license plate; creating a Lighthouse Association license plate; creating an In God We Trust license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 2 (360666)** by Senator Storms and pending point of order by Senator Geller.

RULING ON POINT OF ORDER

On recommendation of Senator King, Chair of the Committee on Rules, the President ruled the point not well taken. **Amendment 2 (360666)** by Senator Storms failed to received the required two-thirds vote.

On motion by Senator Fasano, by two-thirds vote **CS for SB 734** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fasano	Peaden
Alexander	Gaetz	Posey
Aronberg	Garcia	Rich
Atwater	Geller	Ring
Baker	Haridopolos	Saunders
Bennett	Hill	Siplin
Bullard	Jones	Storms
Carlton	Justice	Villalobos
Crist	King	Webster
Dean	Lawson	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Margolis	

Nays—4

Constantine	Joyner	Oelrich
Dockery		

CS for CS for HB 745—A bill to be entitled An act relating to postsecondary education; amending s. 216.136, F.S.; revising provisions relating to student enrollment projections, and adjustments thereto, for the state educational system developed by the Education Estimating Conference; amending s. 1005.32, F.S.; revising requirements for application for licensure by accreditation by an independent postsecondary educational institution; amending s. 1007.24, F.S.; revising provisions regarding determination of equivalency of courses; amending s. 1009.01, F.S.; providing definitions relating to postsecondary education; amending s. 1009.21, F.S.; providing that determination of resident status applies to eligibility for state financial aid awards and tuition assistance grants; revising definitions; revising provisions relating to qualification as a resident for tuition purposes; providing for reclassification of status; providing duties of institutions of higher education; amending s. 1009.22, F.S.; revising provisions relating to the workforce education postsecondary student capital improvement fee; amending s. 1009.23, F.S.; providing an exemption relating to establishment of the community college activity and service student fee; authorizing an increase in the amount of fees collected for financial aid purposes; increasing the amount of financial aid fees that may be used to assist students who meet specified criteria; authorizing rulemaking; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; providing for the establishment of tuition and fees at the undergraduate and graduate levels and for professional programs; revising provisions relating to use of the student financial aid fee; revising provisions relating to

establishment and conditions of the undergraduate tuition differential; amending s. 1009.25, F.S.; revising provisions authorizing student fee exemptions by community colleges; defining "fee-paying student"; amending s. 1009.265, F.S.; revising conditions for the use of state employee fee waivers; amending ss. 1009.98 and 1011.48, F.S.; conforming cross-references; amending s. 196.192, F.S.; specifying educational institutions as exempt entities for purposes of exemptions from ad valorem taxation for property owned by exempt entities; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Lynn, **CS for CS for HB 745** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Aronberg	Gaetz	Rich
Atwater	Garcia	Ring
Baker	Geller	Saunders
Bennett	Haridopolos	Siplin
Bullard	Hill	Storms
Carlton	Jones	Villalobos
Constantine	King	Webster
Crist	Lawson	Wilson
Dean	Lynn	Wise
Deutch	Margolis	
Diaz de la Portilla	Oelrich	

Nays—2

Joyner	Justice
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CS for SB 2044—A bill to be entitled An act relating to selling, giving, or serving alcoholic beverages to persons under 21 years of age; amending s. 562.11, F.S.; increasing the penalty imposed for a second or subsequent offense of selling, giving, or serving alcoholic beverages to a person under 21 years of age within a specified period following the prior offense; providing a defense to such a charge; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **CS for SB 2044** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Baker, by two-thirds vote **CS for HB 773** was withdrawn from the Committees on Judiciary; and Finance and Tax.

On motion by Senator Baker, by two-thirds vote—

CS for HB 773—A bill to be entitled An act relating to judicial sales; amending s. 45.031, F.S.; permitting certain sales to be conducted by electronic means; requiring electronic sales to comply with specified procedures; providing exceptions; requiring clerks to provide public access terminals for electronic sales; permitting clerks to receive electronic

payments and deposits related to electronic sales; amending s. 45.035, F.S.; providing a service charge to be received by clerks for sales conducted by electronic means under a specified provision; providing an exception to the fee for moneys in the registry of the court; amending s. 197.542, F.S.; providing for electronic tax deed sales; requiring clerks to provide public access terminals for electronic sales; permitting clerks to receive electronic payments and deposits related to electronic sales; providing provisions relating to electronic tax deed sales in charter counties; for providing an effective date.

—a companion measure, was substituted for **CS for SB 2248** as amended and by two-thirds vote read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for HB 773** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 2378—A bill to be entitled An act relating to pari-mutuel wagering permitholders; amending s. 550.054, F.S.; providing for a jai alai permitholder meeting certain conditions to apply to the Division of Pari-mutuel Wagering to convert a permit to conduct jai alai to a permit to conduct greyhound racing; directing the division to issue a permit to conduct greyhound racing if certain conditions are met; providing for the relocation of certain permits; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for CS for SB 2378** failed to pass. The vote was:

Yeas—14

Mr. President	Diaz de la Portilla	Jones
Aronberg	Fasano	King
Atwater	Geller	Lawson
Bennett	Haridopolos	Lynn
Deutch	Hill	

Nays—25

Alexander	Garcia	Saunders
Baker	Joyner	Siplin
Bullard	Justice	Storms
Carlton	Margolis	Villalobos
Constantine	Oelrich	Webster
Crist	Peaden	Wilson
Dean	Posey	Wise
Dockery	Rich	
Gaetz	Ring	

Vote after roll call:

Yea to Nay—Atwater, Haridopolos

CS for CS for HB 1167—A bill to be entitled An act relating to the Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act; creating s. 633.042, F.S.; providing a short title; providing legislative findings and intent; providing definitions; providing cigarette testing methods and performance standards; providing specific testing

criteria; requiring manufacturers to provide certain written certification; requiring cigarettes to be marked in specific manners; providing for alternative testing methods under certain circumstances; providing reporting requirements; providing the Division of Alcoholic Beverages and Tobacco and the State Fire Marshal with certain powers and responsibilities; providing certification requirements for manufacturers; providing requirements for the marking of certain cigarette packaging; providing reporting requirements; providing approval requirements for markings submitted to the division by a manufacturer; providing notification requirements; providing fines and penalties; providing the division and the State Fire Marshal with rulemaking authority; authorizing certain governmental entities with inspection powers to examine specified documents of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises; providing that nothing in the act shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the specified requirements if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States; providing for repeal upon the enactment of a preemptive federal standard; prohibiting local government units from enacting and enforcing any ordinance or other local law or regulation that conflicts with, or is preempted by, any provision of the act; providing effective dates.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for HB 1167** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Lawson, by two-thirds vote **CS for HB 987** was withdrawn from the Committees on Governmental Operations; and Transportation and Economic Development Appropriations.

On motion by Senator Lawson, by two-thirds vote—

CS for HB 987—A bill to be entitled An act relating to cultural and historical programs; creating s. 265.7025, F.S.; providing definitions; amending s. 265.703, F.S.; providing for more than one citizen support organization; adding historical and museum programs to those programs that can be assisted by the citizen support organizations of the Division of Cultural Affairs of the Department of State; revising the name of the trust fund into which funds are deposited; providing that information of the citizen support organization for the Museum of Florida History which is confidential and exempt pursuant to s. 267.17, F.S., retains its status; creating s. 265.704, F.S.; providing powers and duties of the Division of Cultural Affairs related to historical museums; creating s. 265.705, F.S.; providing state policy relating to historic properties; creating s. 265.706, F.S.; authorizing the division to acquire, maintain, preserve, interpret, exhibit, and make available for study certain objects having historical or archaeological value; vesting title of such objects in the division; requiring maintenance of records; requiring inventory of objects of specified value; authorizing the division to loan, exchange, sell, or otherwise transfer certain objects; providing exemptions from ch. 273, F.S.; providing for deposit and use of funds; requiring the adoption of rules; providing a penalty for certain violations by a custodian; providing for insuring of certain items; amending and renumbering s. 267.072, F.S., relating to the Museum of Florida History and its programs; transferring the responsibility for and administration of the Museum of Florida History, its programs, and the citizen support organization for the

museum from the Division of Historical Resources to the Division of Cultural Affairs; providing for the operation of additional stores associated with the Museum of Florida History; authorizing the Division of Cultural Affairs to operate other historical museums; conforming provisions to changes made by the act; amending and renumbering s. 267.0619, F.S., relating to historical museum grants under the Division of Historical Resources of the Department of State; transferring the grant program to the Division of Cultural Affairs; conforming provisions to changes made by the act; providing that a for-profit corporation, partnership, or organization is ineligible for receipt of such grants; creating s. 265.709, F.S.; authorizing the Division of Cultural Affairs to promote and encourage the writing of Florida history through certain activities; authorizing the collecting, editing, and publishing of documents related to Florida history; authorizing the division to establish a reasonable charge for such publications; providing for such proceeds to be deposited in the Grants and Donations Trust Fund or certain separate depository accounts; amending s. 267.0612, F.S.; providing a uniform starting date for all appointments to the Florida Historical Commission; amending s. 267.071, F.S.; removing the Museum of Florida History as one of the historical museums that the Division of Historical Resources is required to encourage, promote, maintain, and operate; amending s. 267.0731, F.S.; adding representatives of the Secretary of State to the list of representatives on the ad hoc committee responsible for making recommendations for Great Floridian nominations; deleting references to the citizen support organization for the Museum of Florida History; deleting responsibilities of the Museum of Florida History; requiring the Department of State to be the repository of certain films or videotapes produced concerning a Great Floridian as well as certain items related to such productions; repealing s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; amending s. 272.129, F.S.; authorizing a citizen support organization for the Legislative Research Center and Museum at the Historic Capitol, which is known as the “center”; requiring the citizen support organization to be a corporation not for profit; authorizing the citizen support organization to perform certain tasks for the direct and indirect benefit of the center; authorizing the center to prescribe conditions with which the citizen support organization must comply in order to use fixed property or facilities of the center; prohibiting the center from permitting a citizen support organization to use the center’s facilities under certain conditions; requiring that the citizen support organization provide for an annual audit; providing that records of the organization are public records; requiring that certain funds be deposited into the account of the citizen support organization; providing for reversion of funds to the state under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 2660** and read the second time by title. On motion by Senator Lawson, by two-thirds vote **CS for HB 987** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 1373—A bill to be entitled An act relating to the qualified defense contractor tax refund program; amending s. 288.1045, F.S.; revising definitions to include space flight businesses and space flight contracts; specifying a methodology and amounts for tax refund payments to qualified defense contractor businesses; revising provisions authorizing qualified applicants to receive refunds of certain taxes; revising application process requirements to include space flight businesses and contracts; revising information requirements for applications

for certain qualified applicant certifications; providing employment requirements for space flight business contracts; specifying required information for applications for certification under space flight business contracts; including space flight businesses under provisions authorizing annual claims for refund; revising limitations on payments of tax refunds; revising certain required reductions of amounts of tax refunds; deleting a reporting requirement of tax refunds paid and use of appropriations expended; extending an expiration date; amending ss. 14.2015 and 213.053, F.S.; conforming program references; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **CS for HB 1373** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

HB 1489—A bill to be entitled An act relating to residential tenancies; amending s. 83.43, F.S.; redefining the term “rental agreement”; defining the term “early termination fee”; amending s. 83.595, F.S.; allowing a landlord to terminate a rental agreement and recover liquidated damages or charge the tenant an early termination fee for breach of the agreement, or both, under certain circumstances; requiring the tenant to indicate acceptance of an early termination fee or liquidated-damages provision in the rental agreement in order for the provision to take effect; providing a limit on the combined total of damages and fees; providing liability of the tenant for rent, other charges due, and rental concessions; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 1489** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Dean	Lawson	Wilson
Deutch	Lynn	Wise
Dockery	Margolis	

Nays—None

HB 7049—A bill to be entitled An act relating to drugs, devices, and cosmetics; amending and reorganizing provisions in part I of ch. 499, F.S.; amending s. 499.002, F.S.; expanding the provisions of the section to include administration and enforcement of, exemptions from, and purpose of the part; amending and redesignating ss. 499.004, 499.0053, 499.07, 499.071, and 499.081, F.S., as provisions in that section relating

to such functions to conform; amending s. 499.003, F.S.; revising and providing definitions; amending and redesignating provisions in ss. 499.012, 499.029, and 499.0661, F.S., relating to definitions, as provisions of that section; amending s. 499.005, F.S.; conforming provisions to changes made by the act, including the substitution of the term “prescription drug” for the term “legend drug”; amending s. 499.0051, F.S.; substituting the term “prescription drug” for the term “legend drug” with regard to criminal acts; consolidating criminal act provisions of part I of ch. 499, F.S.; amending and redesignating ss. 499.0052, 499.00535, 499.00545, 499.069, and 499.0691, F.S., as criminal offense provisions in that section; providing penalties; conforming provisions to changes made by the act; amending s. 499.0054, F.S., relating to advertising and labeling of drugs, devices, and cosmetics to include certain exemptions; amending and redesignating ss. 499.0055 and 499.0057, F.S., as provisions relating to those functions in that section; amending s. 499.006, F.S.; conforming provisions to changes made by the act; amending s. 499.007, F.S.; conforming provisions to changes made by the act; providing that a drug or device is misbranded if it is an active pharmaceutical ingredient in bulk form and does not bear a label containing certain information; amending ss. 499.008 and 499.009, F.S.; conforming provisions to changes made by the act; amending s. 499.01, F.S.; providing that the section relates only to permits; providing requirements for obtaining a permit to operate in certain capacities; deleting certain permit requirements; amending and redesignating provisions of ss. 499.012, 499.013, and 499.014, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.012, F.S.; providing that the section relates to permit application requirements; amending the provisions to conform; amending and redesignating provisions of s. 499.01, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.01201, F.S.; conforming provisions to changes made by the act; amending s. 499.0121, F.S., relating to storage and handling of prescription drugs and recordkeeping; directing the department to adopt rules requiring a wholesale distributor to maintain pedigree papers separate and distinct from other required records; deleting a requirement that a person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug provide a pedigree paper to the person who receives the drug; deleting the department’s requirement to adopt rules with regard to recordkeeping by affiliated groups; conforming provisions and cross-references to changes made by the act; amending and redesignating a provision of s. 499.013, F.S., relating to such functions as a provision of that section; amending s. 499.01211, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 499.01212, F.S.; requiring a person who is engaged in the wholesale distribution of a prescription drug to provide a pedigree paper to the person who receives the drug; requiring certain information in a pedigree paper; requiring a wholesale distributor to maintain and make available to the department certain information; providing exceptions to the requirement of a pedigree paper; repealing s. 499.0122, F.S., relating to medical oxygen and veterinary legend drug retail establishments; repealing s. 499.013, F.S., relating to manufacturers and repackagers of drugs, devices, and cosmetics; amending ss. 499.015, 499.024, 499.028, 499.029, and 499.03, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 499.032 and 499.033, F.S.; conforming terminology to changes made by the act; amending s. 499.039, F.S.; conforming a provision and cross-reference; amending s. 499.04 and 499.041, F.S.; conforming provisions to changes made by the act; amending s. 499.05, F.S.; conforming provisions to changes made by the act; requiring the department to adopt rules with regard to procedures and forms relating to pedigree paper requirements, alternatives to compliance with the requirement of certain pedigree papers, and the return of prescription drugs purchased before a specified date; amending and redesignating provisions of ss. 499.013 and 499.0122, F.S., as provisions relating to rulemaking functions of that section; amending ss. 499.051, 499.052, 499.055, and 499.06, F.S.; conforming provisions to changes made by the act; amending s. 499.062, F.S.; providing that the section relates to seizure and condemnation of drugs, devices, or cosmetics; conforming a provision to changes made by the act; amending and redesignating ss. 499.063 and 499.064, F.S., as provisions relating to such functions in that section; amending ss. 499.065, 499.066, 499.0661, and 499.067, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 409.9201, 460.403, 465.0265, 794.075, 895.02, and 921.0022, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (286928)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 499.002, Florida Statutes, is amended; section 499.004, Florida Statutes, is redesignated as subsection (2) of that section and amended; section 499.0053, Florida Statutes, is redesignated as subsection (3) of that section and amended; section 499.07, Florida Statutes, is redesignated as subsection (4) of that section and amended; section 499.071, Florida Statutes, is redesignated as subsection (5) of that section and amended; and section 499.081, Florida Statutes, is redesignated as subsection (6) of that section and amended, to read:

499.002 Purpose, administration, and enforcement of and exemption from this part ss. ~~499.001-499.081~~.—

(1) ~~This part is Sections 499.001-499.081~~ are intended to:

(a)(1) Safeguard the public health and promote the public welfare by protecting the public from injury by product use and by merchandising deceit involving drugs, devices, and cosmetics.

(b)(2) Provide uniform legislation to be administered so far as practicable in conformity with the provisions of, and regulations issued under the authority of, the Federal Food, Drug, and Cosmetic Act and that portion of the Federal Trade Commission Act which expressly prohibits the false advertisement of drugs, devices, and cosmetics.

(c)(3) Promote thereby uniformity of such state and federal laws, and their administration and enforcement, throughout the United States.

(2) ~~499.004 Administration and enforcement by department.~~—The department of Health shall administer and enforce ~~this part ss. 499.001-499.081~~ to prevent fraud, adulteration, misbranding, or false advertising in the preparation, manufacture, repackaging, or distribution of drugs, devices, and cosmetics.

(3) ~~499.0053 Power to administer oaths, take depositions, and issue and serve subpoenas.~~—For the purpose of any investigation or proceeding conducted by the department under ~~this part ss. 499.001-499.081~~, the department may administer oaths, take depositions, issue and serve subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, or other evidence. The department shall exercise this power on its own initiative. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.569.

(4) ~~499.07 Duty of prosecuting officer.~~—Each state attorney, county attorney, or municipal attorney to whom the department or its designated agent reports any violation of ~~this part ss. 499.001-499.081~~ shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law.

(5) ~~499.071 Issuance of warnings for minor violations.~~—~~This part does Sections 499.001-499.081~~ do not require the department to report, for the institution of proceedings under ~~this part ss. 499.001-499.081~~, minor violations of ~~this part ss. 499.001-499.081~~ when it believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

(6) ~~499.081 Carriers in interstate commerce exempted from ss. 499.001-499.081.~~—Common carriers engaged in interstate commerce are not subject to ~~this part ss. 499.001-499.081~~ if they are engaged in the usual course of business as common carriers.

Section 2. Section 499.003, Florida Statutes, is amended; paragraphs (a) through (f) of subsection (1) of section 499.012, Florida Statutes, are redesignated as subsections (55), (56), (52), and (48), paragraph (c) of subsection (48), and subsection (53), respectively, of that section and amended; paragraphs (f) through (j) and (l) through (m) of subsection (3) of section 499.029, Florida Statutes, are redesignated as subsections (25), (26), (27), (35), (40), and (41), and, respectively, of that section

and amended; and subsection (1) of section 499.0661, Florida Statutes, is redesignated as subsection (38) of that section and amended, to read:

499.003 Definitions of terms used in *this part ss. 499.001-499.081*.—As used in *this part ss. 499.001-499.081*, the term:

(1) “Advertisement” means any representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of drugs, devices, or cosmetics.

(2) “Affiliated group” means an affiliated group as defined by s. 1504 of the Internal Revenue Code of 1986, as amended, which is composed of chain drug entities, including at least 50 retail pharmacies, warehouses, or repackagers, which are members of the same affiliated group. The affiliated group must disclose the names of all its members to the department.

(3)(2) “Affiliated party” means:

(a) A director, officer, trustee, partner, or committee member of a permittee or applicant or a subsidiary or service corporation of the permittee or applicant;

(b) A person who, directly or indirectly, manages, controls, or oversees the operation of a permittee or applicant, regardless of whether such person is a partner, shareholder, manager, member, officer, director, independent contractor, or employee of the permittee or applicant;

(c) A person who has filed or is required to file a personal information statement pursuant to s. 499.012(9) s. ~~499.012(4)~~ or is required to be identified in an application for a permit or to renew a permit pursuant to s. 499.012(8) s. ~~499.012(3)~~; or

(d) The five largest natural shareholders that own at least 5 percent of the permittee or applicant.

(4)(3) “Applicant” means a person applying for a permit or certification under *this part ss. 499.001-499.081*.

(5)(4) “Authenticate” means to affirmatively verify upon receipt before any distribution of a prescription legend drug occurs that each transaction listed on the pedigree paper has occurred.

(a) A wholesale distributor is not required to open a sealed, medical convenience kit to authenticate a pedigree paper for a prescription drug contained within the kit.

(b) Authentication of a prescription drug included in a sealed, medical convenience kit shall be limited to verifying the transaction and pedigree information received.

(6)(5) “Certificate of free sale” means a document prepared by the department which certifies a drug, device, or cosmetic, that is registered with the department, as one that can be legally sold in the state.

(7) “Chain pharmacy warehouse” means a wholesale distributor permitted pursuant to s. 499.01 that maintains a physical location for prescription drugs that functions solely as a central warehouse to perform intracompany transfers of such drugs to a member of its affiliated group.

(8)(6) “Closed pharmacy” means a pharmacy that is licensed under chapter 465 and purchases prescription drugs for use by a limited patient population and not for wholesale distribution or sale to the public. The term does not include retail pharmacies.

(9)(7) “Color” includes black, white, and intermediate grays.

(10)(8) “Color additive” means, with the exception of any material that has been or hereafter is exempt under the federal act, a material that:

(a) Is a dye pigment, or other substance, made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral, or other source; or

(b) When added or applied to a drug or cosmetic or to the human body, or any part thereof, is capable alone, or through reaction with other substances, of imparting color thereto;

~~except that the term does not include any material which has been or hereafter is exempt under the federal act.~~

(11)(9) “Compressed medical gas” means any liquefied or vaporized gas that is a prescription drug, whether it is alone or in combination with other gases.

(12)(10) “Contraband ~~prescription legend~~ drug” means any adulterated drug, as defined in s. 499.006, any counterfeit drug, as defined in this section, and also means any ~~prescription legend~~ drug for which a pedigree paper does not exist, or for which the pedigree paper in existence has been forged, counterfeited, falsely created, or contains any altered, false, or misrepresented matter.

(13)(11) “Cosmetic” means an article, *with the exception of soap*, that is:

(a) Intended to be rubbed, poured, sprinkled, or sprayed on; introduced into; or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance; or

(b) Intended for use as a component of any such article;
~~except that the term does not include soap.~~

(14)(12) “Counterfeit drug,” “*counterfeit device*,” or “*counterfeit drug, counterfeit device, or counterfeit cosmetic*” means a drug, device, or cosmetic which, or the container, seal, or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug, device, or cosmetic manufacturer, processor, packer, or distributor other than the person that in fact manufactured, processed, packed, or distributed that drug, device, or cosmetic and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, that other drug, device, or cosmetic manufacturer, processor, packer, or distributor.

(15)(13) “Department” means the Department of Health.

(16)(14) “Device” means any instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including its components, parts, or accessories, which is:

(a) Recognized in the current edition of the United States Pharmacopoeia and National Formulary, or any supplement thereof,

(b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals, or

(c) Intended to affect the structure or any function of the body of humans or other animals,

and ~~that which~~ does not achieve any of its principal intended purposes through chemical action within or on the body of humans or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(17)(15) “~~Distribute or distribution~~” or “*distribution*” means to sell; offer to sell; give away; transfer, whether by passage of title, physical movement, or both; deliver; or offer to deliver. The term does not mean to administer or dispense.

(18) “*Drop shipment*” means the sale of a prescription drug from a manufacturer to a wholesale distributor, where the wholesale distributor takes title to, but not possession of, the prescription drug and the manufacturer of the prescription drug ships the prescription drug directly to a chain pharmacy warehouse or a person authorized by law to purchase prescription drugs for the purpose of administering or dispensing the drug, as defined in s. 465.003.

~~(16) “Diverted from the legal channels of distribution for prescription drugs” means an adulterated drug pursuant to s. 499.006(10).~~

(19)(17) “Drug” means an article that is:

(a) Recognized in the current edition of the United States Pharmacopoeia and National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of those publications;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals;

(c) Intended to affect the structure or any function of the body of humans or other animals; or

(d) Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), but does not include devices or their components, parts, or accessories.

(20)(18) “Establishment” means a place of business at one general physical location.

(21)(19) “Federal act” means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.

(22)(20) “Freight forwarder” means a person who receives *prescription legend* drugs which are owned by another person and designated by that person for export, and exports those *prescription legend* drugs.

(23)(21) “Health care entity” means a closed pharmacy or any person, organization, or business entity that provides diagnostic, medical, surgical, or dental treatment or care, or chronic or rehabilitative care, but does not include any wholesale distributor or retail pharmacy licensed under state law to deal in prescription drugs.

(24)(22) “Health care facility” means a health care facility licensed under chapter 395.

(25)(23) “Hospice” means a corporation licensed under part IV of chapter 400.

(26)(24) “Hospital” means a facility as defined in s. 395.002 and licensed under chapter 395.

(27)(25) “Immediate container” does not include package liners.

(28)(26) “Label” means a display of written, printed, or graphic matter upon the immediate container of any drug, device, or cosmetic. A requirement made by or under authority of ~~this part ss. 499.001-499.081~~ or rules adopted under ~~this part those sections~~ that any word, statement, or other information appear on the label is not complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such drug, device, or cosmetic or is easily legible through the outside container or wrapper.

(29)(27) “Labeling” means all labels and other written, printed, or graphic matters:

(a) Upon a drug, device, or cosmetic, or any of its containers or wrappers; or

(b) Accompanying or related to such drug, device, or cosmetic.

~~(25) “Legend drug,” “prescription drug,” or “medicinal drug” means any drug, including, but not limited to, finished dosage forms, or active ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(12), or s. 499.0122(1)(b) or (c).~~

~~(26) “Legend drug label” means any display of written, printed, or graphic matter upon the immediate container of any legend drug prior to its dispensing to an individual patient pursuant to a prescription of a practitioner authorized by law to prescribe.~~

(30)(27) “Manufacture” means the preparation, deriving, compounding, propagation, processing, producing, or fabrication of any drug, device, or cosmetic.

(31)(28) “Manufacturer” means:

(a) A person who prepares, derives, manufactures, or produces a drug, device, or cosmetic.

(b) *The holder or holders of a New Drug Application (NDA), an Abbreviated New Drug Application (ANDA), a Biologics License Application (BLA), or a New Animal Drug Application (NADA), provided such application has become effective or is otherwise approved consistent with s. 499.023; a private label distributor for whom the private label distributor’s prescription drugs are originally manufactured and labeled for the*

distributor and have not been repackaged; or the distribution point for the manufacturer, contract manufacturer, or private label distributor whether the establishment is a member of the manufacturer's affiliated group or is a contract distribution site.

The term excludes pharmacies that are operating in compliance with pharmacy practice standards as defined in chapter 465 and rules adopted under that chapter.

(32)(29) "New drug" means:

(a) Any drug the composition of which is such that the drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling of that drug; or

(b) Any drug the composition of which is such that the drug, as a result of investigations to determine its safety and effectiveness for use under certain conditions, has been recognized for use under such conditions, but which drug has not, other than in those investigations, been used to a material extent or for a material time under such conditions.

(33) "Normal distribution chain" means a wholesale distribution of a prescription drug in which the wholesale distributor or its wholly owned subsidiary purchases and receives the specific unit of the prescription drug directly from the manufacturer and distributes the prescription drug directly, or through up to two intracompany transfers, to a chain pharmacy warehouse or a person authorized by law to purchase prescription drugs for the purpose of administering or dispensing the drug, as defined in s. 465.003. For purposes of this subsection, the term "intracompany" means any transaction or transfer between any parent, division, or subsidiary wholly owned by a corporate entity.

(34)(j) "Nursing home" means a facility licensed under part II of chapter 400.

(35)(30) "Official compendium" means the current edition of the official United States Pharmacopoeia and National Formulary, or any supplement thereto.

(36)(31) "Pedigree paper" means:

(a) ~~Effective July 1, 2006, A document in written or electronic form approved by the department which contains of Health and containing information required by s. 499.01212 regarding the sale and that records each distribution of any given prescription legend drug, from sale by a pharmaceutical manufacturer, through acquisition and sale by any wholesaler or repackager, until final sale to a pharmacy or other person administering or dispensing the drug. The information required to be included on the form approved by the department pursuant to this paragraph must at least detail the amount of the legend drug; its dosage form and strength; its lot numbers; the name and address of each owner of the legend drug and his or her signature; its shipping information, including the name and address of each person certifying delivery or receipt of the legend drug; an invoice number, a shipping document number, or another number uniquely identifying the transaction; and a certification that the recipient wholesaler has authenticated the pedigree papers. If the manufacturer or repackager has uniquely serialized the individual legend drug unit, that identifier must also be included on the form approved pursuant to this paragraph. It must also include the name, address, telephone number and, if available, e-mail contact information of each wholesaler involved in the chain of the legend drug's custody; or~~

(b) ~~A statement, under oath, in written or electronic form, confirming that a wholesale distributor purchases and receives the specific unit of the prescription drug directly from the manufacturer of the prescription drug and distributes the prescription drug directly, or through an intracompany transfer, to a chain pharmacy warehouse or a person authorized by law to purchase prescription drugs for the purpose of administering or dispensing the drug, as defined in s. 465.003. For purposes of this subsection, the term "chain pharmacy warehouse" means a wholesale distributor permitted pursuant to s. 499.01 that maintains a physical location for prescription drugs that functions solely as a central warehouse to perform intracompany transfers of such drugs to a member of its affiliated group as described in s. 499.0121(6)(f)1.~~

~~1. The information required to be included pursuant to this paragraph must include:~~

~~a. The following statement: "This wholesale distributor purchased the specific unit of the prescription drug directly from the manufacturer."~~

~~b. The manufacturer's national drug code identifier and the name and address of the wholesaler and the purchaser of the prescription drug.~~

~~c. The name of the prescription drug as it appears on the label.~~

~~d. The quantity, dosage form, and strength of the prescription drug.~~

~~2. The wholesale distributor must also maintain and make available to the department, upon request, the point of origin of the prescription drugs, including intracompany transfers; the date of the shipment from the manufacturer to the wholesale distributor; the lot numbers of such drugs; and the invoice numbers from the manufacturer.~~

~~The department may adopt rules and forms relating to the requirements of this subsection.~~

(37)(1) ~~DEFINITION.~~ ~~As used in this section, the term "Permittee" means any person holding a permit issued pursuant to s. 499.012.~~

(38)(32) "Person" means any individual, child, joint venture, syndicate, fiduciary, partnership, corporation, division of a corporation, firm, trust, business trust, company, estate, public or private institution, association, organization, group, city, county, city and county, political subdivision of this state, other governmental agency within this state, and any representative, agent, or agency of any of the foregoing, or any other group or combination of the foregoing.

(39)(4) "Pharmacist" means a person licensed under chapter 465.

(40)(m) "Pharmacy" means an entity licensed under chapter 465.

(41)(33) "Prepackaged drug product" means a drug that originally was in finished packaged form sealed by a manufacturer and that is placed in a properly labeled container by a pharmacy or practitioner authorized to dispense pursuant to chapter 465 for the purpose of dispensing in the establishment in which the prepackaging occurred.

(42) "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection (11), subsection (47), or subsection (54).

(43) "Prescription drug label" means any display of written, printed, or graphic matter upon the immediate container of any prescription drug prior to its dispensing to an individual patient pursuant to a prescription of a practitioner authorized by law to prescribe.

(44)(34) "Prescription label" means any display of written, printed, or graphic matter upon the immediate container of any prescription legend drug dispensed pursuant to a prescription of a practitioner authorized by law to prescribe.

(45)(35) "Prescription medical oxygen" means oxygen USP which is a drug that can only be sold on the order or prescription of a practitioner authorized by law to prescribe. The label of prescription medical oxygen must comply with current labeling requirements for oxygen under the Federal Food, Drug, and Cosmetic Act.

(46)(d) "Primary wholesale distributor ~~wholesaler~~" means any wholesale distributor that:

(a)1. Purchased 90 percent or more of the total dollar volume of its purchases of prescription drugs directly from manufacturers in the previous year; and

(b)1.2.a. Directly purchased prescription drugs from not fewer than 50 different prescription drug manufacturers in the previous year; or

2.b. Has, or the affiliated group, as defined in s. 1504 of the Internal Revenue Code, of which the wholesale distributor is a member has, not fewer than 250 employees.

(c)(e) For purposes of this subsection, "directly from manufacturers a manufacturer" means:

1. Purchases made by the wholesale distributor directly from the manufacturer of prescription drugs; and

2. Transfers from a member of an affiliated group, as defined in s. 1504 of the Internal Revenue Code, of which the wholesale distributor is a member, if:

a. The affiliated group purchases 90 percent or more of the total dollar volume of its purchases of prescription drugs from the manufacturer in the previous year; and

b. The wholesale distributor discloses to the department the names of all members of the affiliated group of which the wholesale distributor is a member and the affiliated group agrees in writing to provide records on prescription drug purchases by the members of the affiliated group not later than 48 hours after the department requests access to such records, regardless of the location where the records are stored.

(47)(36) "Proprietary drug," or "OTC drug," means a patent or over-the-counter drug in its unbroken, original package, which drug is sold to the public by, or under the authority of, the manufacturer or primary distributor thereof, is not misbranded under the provisions of *this part ss. 499.001-499.081*, and can be purchased without a prescription.

(48)(37) "Repackage" includes repacking or otherwise changing the container, wrapper, or labeling to further the distribution of the drug, device, or cosmetic.

(49)(38) "Repackager" means a person who repackages. The term excludes pharmacies that are operating in compliance with pharmacy practice standards as defined in chapter 465 and rules adopted under that chapter.

(50)(e) "Retail pharmacy" means a community pharmacy licensed under chapter 465 that purchases prescription drugs at fair market prices and provides prescription services to the public.

(51)(f) "Secondary *wholesale distributor wholesaler*" means a wholesale distributor that is not a primary *wholesale distributor wholesaler*.

(53)(39) "Veterinary prescription drug" means a *prescription legend* drug intended solely for veterinary use. The label of the drug must bear the statement, "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(40) "~~Veterinary prescription drug wholesaler~~" means ~~any person engaged in wholesale distribution of veterinary prescription drugs in or into this state.~~

(54)(a) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a)1. Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g) ~~s. 499.014~~:

1.a. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2.b. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3.e. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this *subparagraph section*, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4.d. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services

prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a.(4) The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this *subparagraph sub-subparagraph* from the State Surgeon General or his or her designee.

b.(4) The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c.(4) In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

d.(4) A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.

e.(4) The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

f.(4) The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under *sub-subparagraph e. sub-subparagraph (4)*.

g.(4) In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this *subparagraph sub-subparagraph* shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this *subparagraph sub-subparagraph* shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

(b)2. Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with rules established by the department:

1.a. The sale, purchase, or trade of a prescription drug among federal, state, or local government health care entities that are under common control and are authorized to purchase such prescription drug.

2.b. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug for emergency medical reasons. For purposes of this *subparagraph sub-subparagraph*, the term "emergency medical reasons" includes transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.

3.e. The transfer of a prescription drug acquired by a medical director on behalf of a licensed emergency medical services provider to that emergency medical services provider and its transport vehicles for use in accordance with the provider's license under chapter 401.

4.d. The revocation of a sale or the return of a prescription drug to the person's prescription drug wholesale supplier.

5.e. The donation of a prescription drug by a health care entity to a charitable organization that has been granted an exemption under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that is authorized to possess prescription drugs.

6.f. The transfer of a prescription drug by a person authorized to purchase or receive prescription drugs to a person licensed or permitted

to handle reverse distributions or destruction under the laws of the jurisdiction in which the person handling the reverse distribution or destruction receives the drug.

7.g. The transfer of a prescription drug by a hospital or other health care entity to a person licensed under this ~~part chapter~~ to repackage prescription drugs for the purpose of repackaging the prescription drug for use by that hospital, or other health care entity and other health care entities that are under common control, if ownership of the prescription drugs remains with the hospital or other health care entity at all times. In addition to the recordkeeping requirements of s. 499.0121(6), the hospital or health care entity that transfers prescription drugs pursuant to this ~~subparagraph sub-subparagraph~~ must reconcile all drugs transferred and returned and resolve any discrepancies in a timely manner.

(c)3. The distribution of prescription drug samples by manufacturers' representatives or distributors' representatives conducted in accordance with s. 499.028.

(d)4. The sale, purchase, or trade of blood and blood components intended for transfusion. As used in this ~~paragraph subparagraph~~, the term "blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing, and the term "blood components" means that part of the blood separated by physical or mechanical means.

(e)5. The lawful dispensing of a prescription drug in accordance with chapter 465.

(f)6. The sale, purchase, or trade of a prescription drug between pharmacies as a result of a sale, transfer, merger, or consolidation of all or part of the business of the pharmacies from or with another pharmacy, whether accomplished as a purchase and sale of stock or of business assets.

(54)(b) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs in or into this state, including, but not limited to, manufacturers; repackagers; own-label distributors; jobbers; private-label distributors; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; exporters; retail pharmacies; and the agents thereof that conduct wholesale distributions.

Section 3. Subsections (4), (10), (11), (12), (14), (15), (18), (19), (20), (22), (24), (28), and (29) of section 499.005, Florida Statutes, are amended to read:

499.005 Prohibited acts.—It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(4) The sale, distribution, purchase, trade, holding, or offering of any drug, device, or cosmetic in violation of ~~this part ss. 499.001-499.081~~.

(10) Forging; counterfeiting; simulating; falsely representing any drug, device, or cosmetic; or, without the authority of the manufacturer, using any mark, stamp, tag, label, or other identification device authorized or required by rules adopted under ~~this part ss. 499.001-499.081~~.

(11) The use, on the labeling of any drug or in any advertisement relating to such drug, of any representation or suggestion that an application of the drug is effective when it is not or that the drug complies with ~~this part ss. 499.001-499.081~~ when it does not.

(12) The possession of any drug in violation of ~~this part ss. 499.001-499.081~~.

(14) The purchase or receipt of a *prescription legend* drug from a person that is not authorized under this chapter to distribute *prescription legend* drugs to that purchaser or recipient.

(15) The sale or transfer of a *prescription legend* drug to a person that is not authorized under the law of the jurisdiction in which the person receives the drug to purchase or possess *prescription legend* drugs from the person selling or transferring the *prescription legend* drug.

(18) Failure to maintain records as required by ~~this part ss. 499.001-499.081~~ and rules adopted under ~~this part these sections~~.

(19) Providing the department with false or fraudulent records, or making false or fraudulent statements, regarding any matter within the provisions of this ~~part chapter~~.

(20) The importation of a *prescription legend* drug except as provided by s. 801(d) of the Federal Food, Drug, and Cosmetic Act.

(22) Failure to obtain a permit or registration, or operating without a valid permit when a permit or registration is required by ~~this part ss. 499.001-499.081~~ for that activity.

(24) The distribution of a *prescription legend* device to the patient or ultimate consumer without a prescription or order from a practitioner licensed by law to use or prescribe the device.

(28) Failure to ~~acquire obtain~~ or ~~deliver pass on~~ a pedigree paper as required under this ~~part~~.

(29) The receipt of a prescription drug pursuant to a wholesale distribution without ~~having previously received or simultaneously either first~~ receiving a pedigree paper that was attested to as accurate and complete by the wholesale distributor as required under this ~~part or complying with the provisions of s. 499.0121(6)(d)5~~.

Section 4. Section 499.0051, Florida Statutes, is amended; section 499.0052, Florida Statutes, is redesignated as subsection (7) of that section and amended; section 499.00535, Florida Statutes, is redesignated as subsection (9) of that section and amended; section 499.00545, Florida Statutes, is redesignated as subsection (10) of that section and amended; section 499.069, Florida Statutes, is redesignated as subsection (11) of that section and amended; and section 499.0691, Florida Statutes, is redesignated as subsections (12) through (15) of that section and amended, to read:

499.0051 Criminal acts ~~involving contraband or adulterated drugs~~.—

(1) FAILURE TO MAINTAIN OR DELIVER PEDIGREE PAPERS.—

(a) A person, other than a manufacturer, engaged in the wholesale distribution of *prescription legend* drugs who fails to deliver to another person complete and accurate pedigree papers concerning a *prescription legend* drug or contraband *prescription legend* drug prior to, or simultaneous with, the transfer of transferring the *prescription legend* drug or contraband *prescription legend* drug to another person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person engaged in the wholesale distribution of *prescription legend* drugs who fails to acquire complete and accurate pedigree papers concerning a *prescription legend* drug or contraband *prescription legend* drug prior to, or simultaneous with, the receipt of obtaining the *prescription legend* drug or contraband *prescription legend* drug from another person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who knowingly destroys, alters, conceals, or fails to maintain complete and accurate pedigree papers concerning any *prescription legend* drug or contraband *prescription legend* drug in his or her possession commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) FAILURE TO AUTHENTICATE PEDIGREE PAPERS.—Effective July 1, 2006:

(a) A person engaged in the wholesale distribution of *prescription legend* drugs who is in possession of pedigree papers concerning *prescription legend* drugs or contraband *prescription legend* drugs and who fails to authenticate the matters contained in the pedigree papers and who nevertheless attempts to further distribute *prescription legend* drugs or contraband *prescription legend* drugs commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person in possession of pedigree papers concerning *prescription legend* drugs or contraband *prescription legend* drugs who falsely swears or certifies that he or she has authenticated the matters contained in the pedigree papers commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) **KNOWING FORGERY OF PEDIGREE PAPERS.**—A person who knowingly forges, counterfeits, or falsely creates any pedigree paper; who falsely represents any factual matter contained on any pedigree paper; or who knowingly omits to record material information required to be recorded in a pedigree paper, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) **KNOWING PURCHASE OR RECEIPT OF PRESCRIPTION LEGEND DRUG FROM UNAUTHORIZED PERSON.**—A person who knowingly purchases or receives from a person not authorized to distribute *prescription legend* drugs under this chapter a *prescription legend* drug in a wholesale distribution transaction commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) **KNOWING SALE OR TRANSFER OF PRESCRIPTION LEGEND DRUG TO UNAUTHORIZED PERSON.**—A person who knowingly sells or transfers to a person not authorized to purchase or possess *prescription legend* drugs, under the law of the jurisdiction in which the person receives the drug, a *prescription legend* drug in a wholesale distribution transaction commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) **KNOWING SALE OR DELIVERY, OR POSSESSION WITH INTENT TO SELL, CONTRABAND PRESCRIPTION LEGEND DRUGS.**—A person who is knowingly in actual or constructive possession of any amount of contraband *prescription legend* drugs, who knowingly sells or delivers, or who possesses with intent to sell or deliver any amount of contraband *prescription legend* drugs, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) **499.0052 KNOWING TRAFFICKING IN CONTRABAND PRESCRIPTION LEGEND DRUGS.**—A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of any amount of contraband *prescription legend* drugs valued at \$25,000 or more commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(a) Upon conviction, each defendant shall be ordered to pay a mandatory fine according to the following schedule:

1.(1) If the value of contraband *prescription legend* drugs involved is \$25,000 or more, but less than \$100,000, the defendant shall pay a mandatory fine of \$25,000. If the defendant is a corporation or other person that is not a natural person, it shall pay a mandatory fine of \$75,000.

2.(2) If the value of contraband *prescription legend* drugs involved is \$100,000 or more, but less than \$250,000, the defendant shall pay a mandatory fine of \$100,000. If the defendant is a corporation or other person that is not a natural person, it shall pay a mandatory fine of \$300,000.

3.(3) If the value of contraband *prescription legend* drugs involved is \$250,000 or more, the defendant shall pay a mandatory fine of \$200,000. If the defendant is a corporation or other person that is not a natural person, it shall pay a mandatory fine of \$600,000.

(b) As used in this *subsection section*, the term “value” means the market value of the property at the time and place of the offense or, if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense. Amounts of value of separate contraband *prescription legend* drugs involved in distinct transactions for the distribution of the contraband *prescription legend* drugs committed pursuant to one scheme or course of conduct, whether involving the same person or several persons, may be aggregated in determining the punishment of the offense.

(8)(7) **KNOWING FORGERY OF PRESCRIPTION OR PRESCRIPTION LEGEND DRUG LABELS.**—A person who knowingly forges, counterfeits, or falsely creates any prescription label or *prescription legend* drug label, or who falsely represents any factual matter contained on any prescription label or *prescription legend* drug label, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) **499.00535 KNOWING** Sale or purchase of contraband *prescription legend* drugs resulting in great bodily harm.—A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of any amount of contraband *prescription legend* drugs, and whose acts in violation of this *subsection section* result in great bodily harm to a person, commits a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

(10) **499.00545 Knowing** Sale or purchase of contraband *prescription legend* drugs resulting in death.—A person who knowingly manufactures, sells, purchases, delivers, or brings into this state, or who is knowingly in actual or constructive possession of any amount of contraband *prescription legend* drugs, and whose acts in violation of this *subsection section* result in the death of a person, commits a felony of the first degree, punishable by a term of years not exceeding life, as provided in s. 775.082, s. 775.083, or s. 775.084.

(11) **499.069 Criminal punishment for violations of s. 499.005 related to devices and cosmetics; dissemination of false advertisement.**—

(a)(1) Any person who violates any of the provisions of s. 499.005 with respect to a device or cosmetic commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; but, if the violation is committed after a conviction of such person under this *subsection section* has become final, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 or as otherwise provided in *this part ss. 499.001-499.081*, except that any person who violates s. 499.005(8) or (10) *subsection (8) or subsection (10) of s. 499.005* with respect to a device or cosmetic commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided in *this part ss. 499.001-499.081*.

(b)(2) A publisher, radio broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, wholesaler, or seller of the article to which a false advertisement relates, is not liable under this *subsection section* by reason of the dissemination by him or her of such false advertisement, unless he or she has refused, on the request of the department, to furnish to the department the name and post office address of the manufacturer, wholesaler, seller, or advertising agency that asked him or her to disseminate such advertisement.

(12) **499.0691 ADULTERATED AND MISBRANDED DRUGS; FALSE ADVERTISEMENT; FAILURE TO MAINTAIN RECORDS RELATING TO DRUGS** *Criminal punishment for violations related to drugs; dissemination of false advertisement.*—(1) Any person who violates any of the following provisions commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; but, if the violation is committed after a conviction of such person under this *subsection section* has become final, such person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, or as otherwise provided in *this part ss. 499.001-499.081*:

(a) The manufacture, repackaging, sale, delivery, or holding or offering for sale of any drug that is adulterated or misbranded or has otherwise been rendered unfit for human or animal use.

(b) The adulteration or misbranding of any drug intended for further distribution.

(c) The receipt of any drug that is adulterated or misbranded, and the delivery or proffered delivery of such drug, for pay or otherwise.

(d) The dissemination of any false or misleading advertisement of a drug.

(e) The use, on the labeling of any drug or in any advertisement relating to such drug, of any representation or suggestion that an application of the drug is effective when it is not or that the drug complies with *this part ss. 499.001-499.081* when it does not.

(f) The purchase or receipt of a compressed medical gas from a person that is not authorized under this chapter to distribute compressed medical gases.

(g) Charging a dispensing fee for dispensing, administering, or distributing a prescription drug sample.

(h) The failure to maintain records related to a drug as required by *this part ss. 499.001-499.081* and rules adopted under *this part* these sections, except for pedigree papers, invoices, or shipping documents related to *prescription legend* drugs.

(i) The possession of any drug in violation of *this part ss. 499.001-499.081*, except if the violation relates to a deficiency in pedigree papers.

(13) *REFUSAL TO ALLOW INSPECTION; SELLING, PURCHASING, OR TRADING DRUG SAMPLES; FAILURE TO MAINTAIN RECORDS RELATING TO PRESCRIPTION DRUGS.*—(2) Any person who violates any of the following provisions commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided in *this part: ss. 499.001-499.081*.

(a) The refusal or constructive refusal to allow:

1. The department to enter or inspect an establishment in which drugs are manufactured, processed, repackaged, sold, brokered, or held;
2. Inspection of any record of that establishment;
3. The department to enter and inspect any vehicle that is being used to transport drugs; or
4. The department to take samples of any drug.

(b) The sale, purchase, or trade, or the offer to sell, purchase, or trade, a drug sample as defined in s. 499.028; the distribution of a drug sample in violation of s. 499.028; or the failure to otherwise comply with s. 499.028.

(c) Providing the department with false or fraudulent records, or making false or fraudulent statements, regarding any matter within the provisions of *this part chapter* related to a drug.

(d) The failure to receive, maintain, or provide invoices and shipping documents, other than pedigree papers, if applicable, related to the distribution of a *prescription legend* drug.

(e) The importation of a *prescription legend* drug for wholesale distribution, except as provided by s. 801(d) of the Federal Food, Drug, and Cosmetic Act.

(f) The wholesale distribution of a ~~any~~ prescription drug that was:

1. Purchased by a public or private hospital or other health care entity; or
2. Donated or supplied at a reduced price to a charitable organization.

(g) The failure to obtain a permit as a prescription drug *wholesale distributor wholesaler* when a permit is required by *this part ss. 499.001-499.081* for that activity.

(h) Knowingly possessing any adulterated or misbranded *prescription legend* drug outside of a designated quarantine area.

(i) The purchase or sale of a prescription drug ~~drugs~~ for wholesale distribution in exchange for currency, as defined in s. 560.103(6).

(14) *OTHER VIOLATIONS.*—(3) Any person who violates any of the following provisions commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided in *this part: ss. 499.001-499.081*.

(a) Knowingly manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug that is adulterated or misbranded or has otherwise been rendered unfit for human or animal use.

(b) Knowingly adulterating a drug that is intended for further distribution.

(c) Knowingly receiving a drug that is adulterated and delivering or proffering delivery of such drug for pay or otherwise.

(d) Committing any act that causes a drug to be a counterfeit drug, or selling, dispensing, or knowingly holding for sale a counterfeit drug.

(e) Forging, counterfeiting, simulating, or falsely representing any drug, or, without the authority of the manufacturer, using any mark, stamp, tag, label, or other identification device authorized or required by rules adopted under *this part ss. 499.001-499.081*.

(f) Knowingly obtaining or attempting to obtain a prescription drug for wholesale distribution by fraud, deceit, misrepresentation, or subterfuge, or engaging in misrepresentation or fraud in the distribution of a drug.

(g) Removing a pharmacy's dispensing label from a dispensed prescription drug with the intent to further distribute the prescription drug.

(h) Knowingly distributing a prescription drug that was previously dispensed by a licensed pharmacy, unless such distribution was authorized in chapter 465 or the rules adopted under chapter 465.

(15) *FALSE ADVERTISEMENT.*—(4) A publisher, radio broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, repackager, *wholesale distributor wholesaler*, or seller of the article to which a false advertisement relates, is not liable under *subsection (12), subsection (13), or subsection (14) this section* by reason of the dissemination by him or her of such false advertisement, unless he or she has refused, on the request of the department, to furnish to the department the name and post office address of the manufacturer, repackager, *wholesale distributor wholesaler*, seller, or advertising agency that asked him or her to disseminate such advertisement.

Section 5. Section 499.0054, Florida Statutes, is amended; section 499.0055, Florida Statutes, is redesignated as subsection (2) of that section and amended; and section 499.0057, Florida Statutes, is redesignated as subsection (3) of that section and amended, to read:

499.0054 Advertising and labeling of drugs, devices, and cosmetics; exemptions.—

(1) It is a violation of the Florida Drug and Cosmetic Act to perform or cause the performance of any of the following acts:

(a)(1) The dissemination of any false advertisement of any drug, device, or cosmetic. An advertisement is false if it is false or misleading in any way.

(b)(2) The distribution in commerce of any drug, device, or cosmetic, if its labeling or advertising is in violation of *this part ss. 499.001-499.081*.

(c)(3) The manufacturing, repackaging, packaging, selling, delivery, holding, or offering for sale of any drug, device, or cosmetic for which the advertising or labeling is false or misleading.

(d)(4) The advertising of any drug, device, or cosmetic that is adulterated or misbranded.

(e)(5) The receiving in commerce of any drug, device, or cosmetic that is falsely advertised or labeled or the delivering or proffering for delivery of any such drug, device, or cosmetic.

(f)(6) The advertising or labeling of any product containing ephedrine, a salt of ephedrine, an isomer of ephedrine, or a salt of an isomer of ephedrine, for the indication of stimulation, mental alertness, weight loss, appetite control, energy, or other indications not approved by the pertinent United States Food and Drug Administration Over-the-Counter Final or Tentative Final Monograph or approved new drug application under the federal act. In determining compliance with this requirement, the department may consider the following factors:

- 1.(a) The packaging of the product.
- 2.(b) The name and labeling of the product.
- 3.(c) The manner of distribution, advertising, and promotion of the product, including verbal representations at the point of sale.
- 4.(d) The duration, scope, and significance of abuse of the particular product.

(g)(7) The advertising of any drug or device represented to have any effect in any of the following conditions, disorders, diseases, or processes:

- 1.~~(a)~~ Blood disorders.
- 2.~~(b)~~ Bone or joint diseases.
- 3.~~(c)~~ Kidney diseases or disorders.
- 4.~~(d)~~ Cancer.
- 5.~~(e)~~ Diabetes.
- 6.~~(f)~~ Gall bladder diseases or disorders.
- 7.~~(g)~~ Heart and vascular diseases.
- 8.~~(h)~~ High blood pressure.
- 9.~~(i)~~ Diseases or disorders of the ear or auditory apparatus, including hearing loss or deafness.
- 10.~~(j)~~ Mental disease or mental retardation.
- 11.~~(k)~~ Paralysis.
- 12.~~(l)~~ Prostate gland disorders.
- 13.~~(m)~~ Conditions of the scalp affecting hair loss.
- 14.~~(n)~~ Baldness.
- 15.~~(o)~~ Endocrine disorders.
- 16.~~(p)~~ Sexual impotence.
- 17.~~(q)~~ Tumors.
- 18.~~(r)~~ Venereal diseases.
- 19.~~(s)~~ Varicose ulcers.
- 20.~~(t)~~ Breast enlargement.
- 21.~~(u)~~ Purifying blood.
- 22.~~(v)~~ Metabolic disorders.
- 23.~~(w)~~ Immune system disorders or conditions affecting the immune system.
- 24.~~(x)~~ Extension of life expectancy.
- 25.~~(y)~~ Stress and tension.
- 26.~~(z)~~ Brain stimulation or performance.
- 27.~~(aa)~~ The body's natural defense mechanisms.
- 28.~~(bb)~~ Blood flow.
- 29.~~(cc)~~ Depression.
- 30.~~(dd)~~ Human immunodeficiency virus or acquired immune deficiency syndrome or related disorders or conditions.

(h)~~(8)~~ The representation or suggestion in labeling or advertising that an article is approved under *this part ss. 499.001-499.081*, when such is not the case.

(2)~~499.0055 False or misleading advertisement.~~—In determining whether an advertisement is false or misleading, the department shall review the representations made or suggested by statement, word, design, device, sound, or any combination thereof within the advertisement and the extent to which the advertisement fails to reveal material facts with respect to consequences that can result from the use of the drug, device, or cosmetic to which the advertisement relates under the conditions of use prescribed in the labeling or advertisement.

(3)~~499.0057 Advertisement exemptions.~~—

(a)~~(1)~~ An advertisement that is not prohibited under *paragraph (1)(a) s. 499.0054(1)* is not prohibited under *paragraph (1)(g) s. 499.0054(7)* if it is disseminated:

1. To the public solely to advertise the product for those indications that are safe and effective indications and the product is safe and effective for self-medication, as established by the United States Food and Drug Administration; *or*

2. ~~if it is disseminated~~ Only to members of the medical, dental, pharmaceutical, or veterinary professions or appears only in the scientific periodicals of these professions.

(b)~~(2)~~ Compliance with *this part ss. 499.001-499.081* and the rules adopted under *this part those sections* creates no legal presumption that a drug or device is safe or effective.

Section 6. Subsections (3), (10), and (11) of section 499.006, Florida Statutes, are amended to read:

499.006 Adulterated drug or device.—A drug or device is adulterated:

(3) If it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to, or are not operated or administered in conformity with, current good manufacturing practices to assure that the drug meets the requirements of *this part ss. 499.001-499.081* and that the drug has the identity and strength, and meets the standard of quality and purity, which it purports or is represented to possess;

(10) If it is a *prescription legend* drug for which the required pedigree paper is nonexistent, fraudulent, or incomplete under the requirements of *this part ss. 499.001-499.081* or applicable rules, or that has been purchased, held, sold, or distributed at any time by a person not authorized under federal or state law to do so; or

(11) If it is a prescription drug subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act which has been returned by a veterinarian to a limited prescription drug veterinary *wholesale distributor wholesaler*.

Section 7. Section 499.007, Florida Statutes, is amended to read:

499.007 Misbranded drug or device.—A drug or device is misbranded:

(1) If its labeling is in any way false or misleading.

(2) ~~Unless~~, If in package form, it *does not bear bears* a label containing:

(a) The name and place of business of the manufacturer, repackager, or distributor of the finished dosage form of the drug. For the purpose of this paragraph, the finished dosage form of a *prescription medicinal* drug is that form of the drug which is, or is intended to be, dispensed or administered to the patient and requires no further manufacturing or processing other than packaging, reconstitution, and labeling; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.; However, under this section, reasonable variations are permitted, and the department shall establish by rule exemptions for small packages.

(3) *If it is an active pharmaceutical ingredient in bulk form and does not bear a label containing:*

(a) *The name and place of business of the manufacturer, repackager, or distributor; and*

(b) *An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.*

(4)~~(3)~~ If any word, statement, or other information required by or under *this part ss. 499.001-499.081* to appear on the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling, and in such terms, as to render the word, statement, or other information likely to be read and understood under customary conditions of purchase and use.

(5)~~(4)~~ If it is a drug and is not designated solely by a name recognized in an official compendium *and, unless its label does not bear bears*:

- (a) The common or usual name of the drug, if any; and
- (b) In case it is fabricated from two or more ingredients, the common or usual name and quantity of each active ingredient.

(6)(5) ~~If Unless~~ its labeling ~~does not bear~~ **bears**:

- (a) Adequate directions for use; and
- (b) Adequate warnings against use in those pathological conditions in which its use may be dangerous to health or against use by children if its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users.

(7)(6) If it purports to be a drug the name of which is recognized in the official compendium ~~and, unless~~ it is ~~not~~ packaged and labeled as prescribed therein; However, the method of packaging may be modified with the consent of the department.

(8)(7) If it has been found by the department to be a drug liable to deterioration ~~and, unless~~ it is ~~not~~ packaged in such form and manner, and its label bears a statement of such precautions, as the department by rule requires as necessary to protect the public health. Such rule may not be established for any drug recognized in an official compendium until the department has informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and that body has failed within a reasonable time to prescribe such requirements.

(9)(8) If it is:

- (a) A drug and its container or finished dosage form is so made, formed, or filled as to be misleading;
- (b) An imitation of another drug; or
- (c) Offered for sale under the name of another drug.

(10)(9) If it is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling of the drug.

(11)(10) If it is, purports to be, or is represented as a drug composed wholly or partly of insulin ~~and, unless~~:

~~(a)~~ it is ~~not~~ from a batch with respect to which a certificate has been issued pursuant to s. 506 of the federal act, ~~which; and~~

~~(b)~~ The certificate is in effect with respect to the drug.

(12)(11) If it is, purports to be, or is represented as a drug composed wholly or partly of any kind of antibiotic requiring certification under the federal act ~~and unless~~:

~~(a)~~ it is ~~not~~ from a batch with respect to which a certificate has been issued pursuant to s. 507 of the federal act, ~~which; and~~

~~(b)~~ the certificate is in effect with respect to the drug;

However, this subsection does not apply to any drug or class of drugs exempted by regulations adopted under s. 507(c) or (d) of the federal act.

(13)(12) If it is a drug intended for use by humans which is a habit-forming drug or which, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drugs; or which is limited by an effective application under s. 505 of the federal act to use under the professional supervision of a practitioner licensed by law to prescribe such drug, ~~if unless~~ it is ~~not~~ dispensed only:

- (a) Upon the written prescription of a practitioner licensed by law to prescribe such drug;
- (b) Upon an oral prescription of such practitioner, which is reduced promptly to writing and filled by the pharmacist; or
- (c) By refilling any such written or oral prescription, if such refilling is authorized by the prescriber ~~either~~ in the original prescription or by

oral order which is reduced promptly to writing and filled by the pharmacist.

This subsection does not relieve any person from any requirement prescribed by law with respect to controlled substances as defined in the applicable federal and state laws.

(14)(13) If it is a drug that is subject to paragraph (13)(12)(a), and if, at any time before it is dispensed, its label ~~does not fail to~~ bear the statement:

- (a) "Caution: Federal Law Prohibits Dispensing Without Prescription";
- (b) "Rx Only";
- (c) The prescription symbol followed by the word "Only"; or
- (d) "Caution: State Law Prohibits Dispensing Without Prescription."

(15)(14) If it is a drug that is not subject to paragraph (13)(12)(a), if at any time before it is dispensed its label bears the statement of caution required in subsection (14) (13).

(16)(15) If it is a color additive, the intended use of which in or on drugs is for the purpose of coloring only ~~and, unless~~ its packaging and labeling are ~~not~~ in conformity with the packaging and labeling requirements that apply to such color additive and are prescribed under the federal act.

(17) A drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to prescribe such drug is exempt from the requirements of this section, except subsections (1), (9) (8), (11) (10), and (12) (11) and the packaging requirements of subsections (7) (6) and (8) (7), if the drug bears a label that contains the name and address of the dispenser or seller, the prescription number and the date the prescription was written or filled, the name of the prescriber and the name of the patient, and the directions for use and cautionary statements. This exemption does not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail or to any drug dispensed in violation of subsection (13) (12). The department may, by rule, exempt drugs subject to s. 499.062 ss. 499.062-499.064 from subsection (13) (12) if compliance with that subsection is not necessary to protect the public health, safety, and welfare.

Section 8. Subsection (1) of section 499.008, Florida Statutes, is amended and subsection (5) is added to that section to read:

499.008 Adulterated cosmetics.—A cosmetic is adulterated:

(1) If it bears or contains any poisonous or deleterious substance that is injurious to users under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual; however, this subsection does not apply to coal-tar hair dye:

(a) The label of which bears the following legend conspicuously displayed thereon: "Caution: This product contains ingredients which may cause skin irritation on certain individuals, and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness"; and

(b) The labeling of which bears adequate directions for such preliminary testing.

~~For the purposes of this subsection and subsection (4), the term "hair dye" does not include eyelash dyes or eyebrow dyes.~~

(5) *For the purposes of subsections (1) and (4), the term "hair dye" does not include eyelash dyes or eyebrow dyes.*

Section 9. Subsections (2), (3), and (5) of section 499.009, Florida Statutes, are amended to read:

499.009 Misbranded cosmetics.—A cosmetic is misbranded:

(2) ~~Unless~~, If in package form, it ~~does not bear~~ **bears** a label containing:

(a) The name and place of business of the manufacturer, packer, or distributor;

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; however, under this paragraph reasonable variations are permitted, and the department shall establish by rule exemptions for small packages; and

(c) A declaration of ingredients in descending order of predominance, or as otherwise required by federal law.

(3) If any word, statement, or other information required by or under authority of *this part ss. 499.001-499.081* to appear on the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling, and in such terms, as to render the word, statement, or other information likely to be read and understood by an individual under customary conditions of purchase and use.

(5) ~~Unless~~ If it is a color additive, its packaging and labeling are *not* in conformity with the packaging and labeling requirements applicable to that color additive prescribed under the federal act. This subsection does not apply to packages of color additives that, with respect to their use for cosmetics, are marketed and intended for use only in or on hair dyes.

Section 10. Section 499.01, Florida Statutes, is amended; the introductory paragraph and paragraphs (a) through (h) of subsection (2) of section 499.012, Florida Statutes, are redesignated as the introductory paragraph and paragraphs (d), (n), (e), (f), (c), (i), (k), and (l), respectively, of subsection (2) of that section and amended; paragraphs (b) through (e) of subsection (2) of section 499.013, Florida Statutes, are redesignated as paragraphs (p), (o), (q), and (r), respectively, of subsection (2) of that section and amended; and section 499.014, Florida Statutes, is redesignated as paragraph (g) of subsection (2) of that section and amended, to read:

499.01 Permits; ~~applications; renewal; general requirements.~~

(1) Prior to operating, a permit is required for each person and establishment that intends to operate as:

- (a) A prescription drug manufacturer;
- (b) A prescription drug repackager;
- (c) A nonresident prescription drug manufacturer;
- (d) A prescription drug wholesale distributor;
- (e) An out-of-state prescription drug wholesale distributor;
- (f) A retail pharmacy drug wholesale distributor;
- (g) A restricted prescription drug distributor;
- (h) A complimentary drug distributor;
- (i) A freight forwarder;
- (j) A veterinary prescription drug retail establishment;
- (k) A veterinary prescription drug wholesale distributor;
- (l) A limited prescription drug veterinary wholesale distributor;
- (m) A medical oxygen retail establishment;
- (n) A compressed medical gas wholesale distributor;
- (o) A compressed medical gas manufacturer;
- (p)(e) An over-the-counter drug manufacturer;
- ~~(d) A compressed medical gas manufacturer;~~
- (q)(e) A device manufacturer;
- (r)(f) A cosmetic manufacturer;

(s) A third party logistic provider; or

(t) A health care clinic establishment.

~~(g) A prescription drug wholesaler;~~

~~(h) A veterinary prescription drug wholesaler;~~

~~(i) A compressed medical gas wholesaler;~~

~~(j) An out-of-state prescription drug wholesaler;~~

~~(k) A nonresident prescription drug manufacturer;~~

~~(l) A freight forwarder;~~

~~(m) A retail pharmacy drug wholesaler;~~

~~(n) A veterinary legend drug retail establishment;~~

~~(o) A medical oxygen retail establishment;~~

~~(p) A complimentary drug distributor;~~

~~(q) A restricted prescription drug distributor; or~~

~~(r) A limited prescription drug veterinary wholesaler.~~

(2) The following types of wholesaler permits are established:

(a) *Prescription drug manufacturer permit.*—A prescription drug manufacturer permit is required for any person that manufactures a prescription drug in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in wholesale distribution of prescription drugs manufactured at that establishment and must comply with all the provisions of this part and the rules adopted under this part that apply to a wholesale distributor.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

(b) *Prescription drug repackager permit.*—A prescription drug repackager permit is required for any person that repackages a prescription drug in this state.

1. A person that operates an establishment permitted as a prescription drug repackager may engage in wholesale distribution of prescription drugs repackaged at that establishment and must comply with all the provisions of this part and the rules adopted under this part that apply to a wholesale distributor.

2. A prescription drug repackager must comply with all appropriate state and federal good manufacturing practices.

(c)(e) *Nonresident prescription drug manufacturer permit.*—A nonresident prescription drug manufacturer permit is required for any person that is a manufacturer of prescription drugs, or the distribution point for a manufacturer of prescription drugs *unless permitted as a third party logistics provider*, and located outside of this state, or that is an entity to whom an approved new drug application has been issued by the United States Food and Drug Administration, or the contracted manufacturer of the approved new drug application holder, and located outside the United States, which engages in the wholesale distribution in this state of the prescription drugs it manufactures or is responsible for manufacturing. Each such manufacturer or entity must be permitted by the department and comply with all the provisions required of a wholesale distributor under *this part ss. 499.001-499.081*, except s. 499.01212 s. ~~499.0121~~(6)(d).

1. A person that distributes prescription drugs that it did not manufacture must also obtain an out-of-state prescription drug *wholesale distributor wholesaler* permit pursuant to this section to engage in the wholesale distribution of the prescription drugs manufactured by another person and comply with the requirements of an out-of-state prescription drug *wholesale distributor wholesaler*.

2. Any such person must comply with the licensing or permitting requirements of the jurisdiction in which the establishment is located

and the federal act, and any product wholesaled into this state must comply with *this part ss. 499.001-499.081*. If a person intends to import prescription drugs from a foreign country into this state, the nonresident prescription drug manufacturer must provide to the department a list identifying each prescription drug it intends to import and document approval by the United States Food and Drug Administration for such importation.

3. A nonresident prescription drug manufacturer permit is not required for a manufacturer to distribute a prescription drug active pharmaceutical ingredient that it manufactures to a prescription drug manufacturer permitted in this state in limited quantities intended for research and development and not for resale, or human use other than lawful clinical trials and biostudies authorized and regulated by federal law. A manufacturer claiming to be exempt from the permit requirements of this subparagraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212. The prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall maintain on file a record of the FDA registration number; the out-of-state license, permit, or registration number; and, if available, a copy of the most current FDA inspection report, for all manufacturers from whom they purchase active pharmaceutical ingredients under this section. The department shall specify by rule the allowable number of transactions within a given period of time and the amount of active pharmaceutical ingredients that qualify as limited quantities for purposes of this exemption. The failure to comply with the requirements of this subparagraph, or rules adopted by the department to administer this subparagraph, for the purchase of prescription drug active pharmaceutical ingredients is a violation of s. 499.005(14).

(d)(a) A Prescription drug wholesale distributor wholesaler's permit.—A prescription drug wholesale distributor wholesaler is a wholesale distributor that may engage in the wholesale distribution of prescription drugs. A prescription drug wholesale distributor wholesaler that applies to the department for a new permit or the renewal of a permit must submit a bond of \$100,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the Florida Drug, Device, and Cosmetic Trust Fund. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in *this part ss. 499.001-499.081* which involves the permittee is concluded, including any appeal, whichever occurs later. The department may adopt rules for issuing a prescription drug wholesale distributor-broker wholesaler-broker permit to a person who engages in the wholesale distribution of prescription drugs and does not take physical possession of any prescription drugs.

(e)(e) An Out-of-state prescription drug wholesale distributor wholesaler's permit.—An out-of-state prescription drug wholesale distributor wholesaler is a wholesale distributor located outside this state which engages in the wholesale distribution of prescription drugs into this state and which must be permitted by the department and comply with all the provisions required of a wholesale distributor under *this part ss. 499.001-499.081*. An out-of-state prescription drug wholesale distributor wholesaler that applies to the department for a new permit or the renewal of a permit must submit a bond of \$100,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the Florida Drug, Device, and Cosmetic Trust Fund. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in *this part ss. 499.001-499.081* which involves the permittee is concluded, including any appeal, whichever occurs later.

1. The out-of-state prescription drug wholesale distributor wholesaler must maintain at all times a license or permit to engage in the

wholesale distribution of prescription drugs in compliance with laws of the state in which it is a resident.

2. An out-of-state prescription drug wholesale distributor wholesaler's permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed as a prescription drug wholesale distributor wholesaler, in its state of residence, to a licensed prescription drug wholesale distributor wholesaler in this state, if both wholesale distributors wholesalers conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. 499.0121(6) and 499.01212 must be followed for this transaction.

(f)(d) A Retail pharmacy drug wholesale distributor wholesaler's permit.—A retail pharmacy drug wholesale distributor wholesaler is a retail pharmacy engaged in wholesale distribution of prescription drugs within this state under the following conditions:

1. The pharmacy must obtain a retail pharmacy drug wholesale distributor wholesaler's permit pursuant to *this part ss. 499.001-499.081* and the rules adopted under *this part those sections*.

2. The wholesale distribution activity does not exceed 30 percent of the total annual purchases of prescription drugs. If the wholesale distribution activity exceeds the 30-percent maximum, the pharmacy must obtain a prescription drug wholesale distributor wholesaler's permit.

3. The transfer of prescription drugs that appear in any schedule contained in chapter 893 is subject to chapter 893 and the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

4. The transfer is between a retail pharmacy and another retail pharmacy, or a Modified Class II institutional pharmacy, or a health care practitioner licensed in this state and authorized by law to dispense or prescribe prescription drugs.

5. All records of sales of prescription drugs subject to this section must be maintained separate and distinct from other records and comply with the recordkeeping requirements of *this part ss. 499.001-499.081*.

(g)499.014 Restricted prescription drug distributor permit Distribution of legend drugs by hospitals, health care entities, charitable organizations, and return or destruction companies; permits, general requirements.—

(4) A restricted prescription drug distributor permit is required for any person that engages in the distribution of a prescription legend drug, which distribution is not considered "wholesale distribution" under s. 499.003(53)(a) s. 499.0121(1)(a)1.

1.(2) A person who engages in the receipt or distribution of a prescription legend drug in this state for the purpose of processing its return or its destruction must obtain a permit as a restricted prescription drug distributor if such person is not the person initiating the return, the prescription drug wholesale supplier of the person initiating the return, or the manufacturer of the drug.

2.(3) Storage, handling, and recordkeeping of these distributions must comply with the requirements for wholesale distributors under s. 499.0121, but not except those set forth in s. 499.01212 s. 499.0121(6)(d).

3.(4) A person who applies for a permit as a restricted prescription drug distributor, or for the renewal of such a permit, must provide to the department the information required under s. 499.012 s. 499.01.

4.(5) The department may issue permits to restricted prescription drug distributors and may adopt rules regarding the distribution of prescription drugs by hospitals, health care entities, charitable organizations, or other persons not involved in wholesale distribution, which rules are necessary for the protection of the public health, safety, and welfare.

(h) Complimentary drug distributor permit.—A complimentary drug distributor permit is required for any person that engages in the distribution of a complimentary drug, subject to the requirements of s. 499.028.

(i)(f) Freight forwarder permit.—A freight forwarder permit is required for any person that engages in the distribution of a prescription legend drug as a freight forwarder unless the person is a common carrier. The storage, handling, and recordkeeping of such distributions

must comply with the requirements for wholesale distributors under s. 499.0121, ~~but not except~~ those set forth in s. 499.01212 ~~s. 499.0121(6)(d)~~. A freight forwarder must provide the source of the ~~prescription legend~~ drugs with a validated airway bill, bill of lading, or other appropriate documentation to evidence the exportation of the product.

(j) *Veterinary prescription drug retail establishment permit.*—A *veterinary prescription drug retail establishment permit* is required for any person that sells veterinary prescription drugs to the public but does not include a pharmacy licensed under chapter 465.

1. The sale to the public must be based on a valid written order from a veterinarian licensed in this state who has a valid client-veterinarian relationship with the purchaser's animal.

2. Veterinary prescription drugs may not be sold in excess of the amount clearly indicated on the order or beyond the date indicated on the order.

3. An order may not be valid for more than 1 year.

4. A veterinary prescription drug retail establishment may not purchase, sell, trade, or possess human prescription drugs or any controlled substance as defined in chapter 893.

5. A veterinary prescription drug retail establishment must sell a veterinary prescription drug in the original, sealed manufacturer's container with all labeling intact and legible. The department may adopt by rule additional labeling requirements for the sale of a veterinary prescription drug.

6. A veterinary prescription drug retail establishment must comply with all of the wholesale distribution requirements of s. 499.0121.

7. Prescription drugs sold by a veterinary prescription drug retail establishment pursuant to a practitioner's order may not be returned into the retail establishment's inventory.

(k)(g) A veterinary prescription drug *wholesale distributor wholesaler* permit.—A veterinary prescription drug *wholesale distributor wholesaler* permit is required for any person that engages in the distribution of veterinary prescription drugs in or into this state. A veterinary prescription drug *wholesale distributor wholesaler* that also distributes prescription drugs subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act which it did not manufacture must obtain a permit as a prescription drug *wholesale distributor wholesaler*, an out-of-state prescription drug *wholesale distributor wholesaler*, or a limited prescription drug veterinary *wholesale distributor wholesaler* in lieu of the veterinary prescription drug *wholesale distributor wholesaler* permit. A veterinary prescription drug *wholesale distributor wholesaler* must comply with the requirements for wholesale distributors under s. 499.0121, ~~but not except~~ those set forth in s. 499.01212 ~~s. 499.0121(6)(d)~~.

(l)(h) Limited prescription drug veterinary *wholesale distributor wholesaler* permit.—Unless engaging in the activities of and permitted as a prescription drug manufacturer, nonresident prescription drug manufacturer, prescription drug *wholesale distributor wholesaler*, or out-of-state prescription drug *wholesale distributor wholesaler*, a limited prescription drug veterinary *wholesale distributor wholesaler* permit is required for any person that engages in the distribution in or into this state of veterinary prescription drugs and prescription drugs subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act under the following conditions:

1. The person is engaged in the business of wholesaling prescription and veterinary ~~prescription legend~~ drugs to persons:

- Licensed as veterinarians practicing on a full-time basis;
- Regularly and lawfully engaged in instruction in veterinary medicine;
- Regularly and lawfully engaged in law enforcement activities;
- For use in research not involving clinical use; or
- For use in chemical analysis or physical testing or for purposes of instruction in law enforcement activities, research, or testing.

2. No more than 30 percent of total annual prescription drug sales may be prescription drugs approved for human use which are subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act.

3. The person ~~does not distribute is not permitted, licensed, or otherwise authorized~~ in any ~~jurisdiction state to~~ wholesale prescription drugs subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act to any person who is authorized to sell, distribute, purchase, trade, or use these drugs on or for humans.

4. A limited prescription drug veterinary *wholesale distributor wholesaler* that applies to the department for a new permit or the renewal of a permit must submit a bond of \$20,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the Florida Drug, Device, and Cosmetic Trust Fund. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part ~~ss. 499.001-499.081~~ which involves the permittee is concluded, including any appeal, whichever occurs later.

5. A limited prescription drug veterinary *wholesale distributor wholesaler* must maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with laws of the state in which it is a resident.

6. A limited prescription drug veterinary *wholesale distributor wholesaler* must comply with the requirements for wholesale distributors under ss. ~~s.~~ 499.0121 and 499.01212, except that a limited prescription drug veterinary *wholesale distributor wholesaler* is not required to provide a pedigree paper as required by s. 499.01212 ~~s. 499.0121(6)(d)~~ upon the wholesale distribution of a prescription drug to a veterinarian.

7. A limited prescription drug veterinary *wholesale distributor wholesaler* may not return to inventory for subsequent wholesale distribution any prescription drug subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act which has been returned by a veterinarian.

8. ~~An out-of-state prescription drug wholesaler's permit or~~ A limited prescription drug veterinary *wholesale distributor wholesaler* permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed to engage in the wholesale distribution of prescription drugs in its state of residence to a licensed limited prescription drug veterinary *wholesale distributor wholesaler* in this state if both *wholesale distributors wholesalers* conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. ~~s.~~ 499.0121(6) and 499.01212 must be followed for this transaction.

(m) *Medical oxygen retail establishment permit.*—A *medical oxygen retail establishment permit* is required for any person that sells medical oxygen to patients only. The sale must be based on an order from a practitioner authorized by law to prescribe. The term does not include a pharmacy licensed under chapter 465.

1. A medical oxygen retail establishment may not possess, purchase, sell, or trade any prescription drug other than medical oxygen.

2. A medical oxygen retail establishment may refill medical oxygen for an individual patient based on an order from a practitioner authorized by law to prescribe. A medical oxygen retail establishment that refills medical oxygen must comply with all appropriate state and federal good manufacturing practices.

3. A medical oxygen retail establishment must comply with all of the wholesale distribution requirements of s. 499.0121.

4. Prescription medical oxygen sold by a medical oxygen retail establishment pursuant to a practitioner's order may not be returned into the retail establishment's inventory.

(n)(b) A compressed medical gas *wholesale distributor wholesaler's* permit.—A compressed medical gas *wholesale distributor wholesaler* is

a wholesale distributor that is limited to the wholesale distribution of compressed medical gases to other than the consumer or patient. The compressed medical gas must be in the original sealed container that was purchased by that ~~wholesale distributor wholesaler~~. A compressed medical gas ~~wholesale distributor wholesaler~~ may not possess or engage in the wholesale distribution of any prescription drug other than compressed medical gases. The department shall adopt rules that govern the wholesale distribution of prescription medical oxygen for emergency use. With respect to the emergency use of prescription medical oxygen, those rules may not be inconsistent with rules and regulations of federal agencies unless the Legislature specifically directs otherwise.

(o)(e) *Compressed medical gas manufacturer permit.*—A compressed medical gas ~~manufacturer's~~ permit is required for any person that engages in the manufacture of compressed medical gases or repackages compressed medical gases from one container to another.

1. A compressed medical gas manufacturer ~~permittee~~ may not manufacture or possess any prescription drug other than compressed medical gases.

2. A compressed medical gas manufacturer ~~permittee~~ may engage in wholesale distribution of compressed medical gases manufactured at that establishment and must comply with all the provisions of *this part ss. 499.001-499.081* and the rules adopted under *this part those sections* that apply to a wholesale distributor.

3. A compressed medical gas manufacturer ~~permittee~~ must comply with all appropriate state and federal good manufacturing practices.

(p)(b) *Over-the-counter drug manufacturer permit.*—An over-the-counter drug ~~manufacturer's~~ permit is required for any person that engages in the manufacture or repackaging of an over-the-counter drug.

1. An over-the-counter drug manufacturer ~~permittee~~ may not possess or purchase prescription drugs.

2. A pharmacy is exempt from obtaining an over-the-counter drug ~~manufacturer's~~ permit if it is operating in compliance with pharmacy practice standards as defined in chapter 465 and the rules adopted under that chapter.

3. An over-the-counter drug manufacturer ~~permittee~~ must comply with all appropriate state and federal good manufacturing practices.

(q)(d) *Device manufacturer permit.*—A device ~~manufacturer's~~ permit is required for any person that engages in the manufacture, repackaging, or assembly of medical devices for human use in this state, except that a permit is not required if the person is engaged only in manufacturing, repackaging, or assembling a medical device pursuant to a practitioner's order for a specific patient.

1. A manufacturer or repackager of medical devices in this state must comply with all appropriate state and federal good manufacturing practices and quality system rules.

2. The department shall adopt rules related to storage, handling, and recordkeeping requirements for manufacturers of medical devices for human use.

(r)(e) *Cosmetic manufacturer permit.*—A cosmetic ~~manufacturer's~~ permit is required for any person that manufactures or repackages cosmetics in this state. A person that only labels or changes the labeling of a cosmetic but does not open the container sealed by the manufacturer of the product is exempt from obtaining a permit under this paragraph.

(s) *Third party logistics provider permit.*—A *third party logistics provider permit* is required for any person that contracts with a prescription drug ~~wholesale distributor or prescription drug manufacturer~~ to provide warehousing, distribution, or other logistics services on behalf of a manufacturer or wholesale distributor, but who does not take title to the prescription drug or have responsibility to direct the sale or disposition of the prescription drug. Each *third party logistics provider permittee* shall comply with the requirements for wholesale distributors under ss. 499.0121 and 499.0122, with the exception of those wholesale distributions described in s. 499.0122(3)(a), and other rules that the department requires.

(t) *Health care clinic establishment permit.*—Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location owned and operated by a professional corporation or professional limited liability company described in chapter 621, or a corporation that employs a veterinarian as a qualifying practitioner. For the purpose of this paragraph, the term "qualifying practitioner" means a licensed health care practitioner defined in s. 456.001 or a veterinarian licensed under chapter 474, who is authorized under the appropriate practice act to prescribe and administer a prescription drug.

1. An establishment must provide, as part of the application required under s. 499.012, designation of a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. In addition, the designated qualifying practitioner shall be the practitioner whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment. Upon initial appointment of a qualifying practitioner, the qualifying practitioner and the health care clinic establishment shall notify the department on a form furnished by the department within 10 days after such employment. In addition, the qualifying practitioner and health care clinic establishment shall notify the department within 10 days after any subsequent change.

2. The health care clinic establishment must employ a qualifying practitioner at each establishment.

3. In addition to the remedies and penalties provided in this part, a violation of this chapter by the health care clinic establishment or qualifying practitioner constitutes grounds for discipline of the qualifying practitioner by the appropriate regulatory board.

4. The purchase of prescription drugs by the health care clinic establishment is prohibited during any period of time when the establishment does not comply with this paragraph.

5. A health care clinic establishment permit is not a pharmacy permit or otherwise subject to chapter 465. A health care clinic establishment that meets the criteria of a modified Class II institutional pharmacy under s. 465.019 is not eligible to be permitted under this paragraph.

6. This paragraph does not prohibit a qualifying practitioner from purchasing prescription drugs.

Section 11. Section 499.012, Florida Statutes, is amended and subsections (2) through (8) of section 499.01, Florida States, are redesignated as subsections (1) through (7) of that section and amended, to read:

499.012 *Permit application* ~~Wholesale distribution; definitions; permits; applications; general requirements.~~—

(1) ~~As used in this section, the term:~~

(2)(a) A permit issued pursuant to *this part ss. 499.001-499.081* may be issued only to a natural person who is at least 18 years of age or to an applicant that is not a natural person if each person who, directly or indirectly, manages, controls, or oversees the operation of that applicant is at least 18 years of age.

(b) An establishment that is a place of residence may not receive a permit and may not operate under *this part ss. 499.001-499.081*.

(c) A person that applies for or renews a permit to manufacture or distribute ~~prescription legend~~ drugs may not use a name identical to the name used by any other establishment or licensed person authorized to purchase prescription drugs in this state, except that a restricted drug distributor permit issued to a health care entity will be issued in the name in which the institutional pharmacy permit is issued and a retail pharmacy drug ~~wholesale distributor wholesaler~~ will be issued a permit in the name of its retail pharmacy permit.

(d) A permit for a prescription drug manufacturer, prescription drug repackager, prescription drug ~~wholesale distributor wholesaler~~, limited prescription drug veterinary ~~wholesale distributor wholesaler~~, or retail pharmacy drug ~~wholesale distributor wholesaler~~ may not be issued to the address of a health care entity or to a pharmacy licensed under chapter 465, except as provided in this paragraph. The department may issue a prescription drug manufacturer permit to an applicant at the

same address as a licensed nuclear pharmacy, which is a health care entity, for the purpose of manufacturing prescription drugs used in positron emission tomography or other radiopharmaceuticals, as listed in a rule adopted by the department pursuant to this paragraph. The purpose of this exemption is to assure availability of state-of-the-art pharmaceuticals that would pose a significant danger to the public health if manufactured at a separate establishment address from the nuclear pharmacy from which the prescription drugs are dispensed. The department may also issue a retail pharmacy drug *wholesale distributor wholesaler* permit to the address of a community pharmacy licensed under chapter 465 which does not meet the definition of a closed pharmacy in s. 499.003.

(e) A county or municipality may not issue an occupational license for any licensing period beginning on or after October 1, 2003, for any establishment that requires a permit pursuant to *this part ss. 499.001-499.081*, unless the establishment exhibits a current permit issued by the department for the establishment. Upon presentation of the requisite permit issued by the department, an occupational license may be issued by the municipality or county in which application is made. The department shall furnish to local agencies responsible for issuing occupational licenses a current list of all establishments licensed pursuant to *this part ss. 499.001-499.081*.

(2)(3) Notwithstanding subsection (6) (7), a permitted person in good standing may change the type of permit issued to that person by completing a new application for the requested permit, paying the amount of the difference in the permit fees if the fee for the new permit is more than the fee for the original permit, and meeting the applicable permitting conditions for the new permit type. The new permit expires on the expiration date of the original permit being changed; however, a new permit for a prescription drug *wholesale distributor wholesaler*, an out-of-state prescription drug *wholesale distributor wholesaler*, or a retail pharmacy drug *wholesale distributor wholesaler* shall expire on the expiration date of the original permit or 1 year after the date of issuance of the new permit, whichever is earlier. A refund may not be issued if the fee for the new permit is less than the fee that was paid for the original permit.

(3)(4) A written application for a permit or to renew a permit must be filed with the department on forms furnished by the department. The department shall establish, by rule, the form and content of the application to obtain or renew a permit. The applicant must submit to the department with the application a statement that swears or affirms that the information is true and correct.

(4)(5)(a) Except for a permit for a prescription drug *wholesale distributor wholesaler* or an out-of-state prescription drug *wholesale distributor wholesaler*, an application for a permit must include:

1. The name, full business address, and telephone number of the applicant;
2. All trade or business names used by the applicant;
3. The address, telephone numbers, and the names of contact persons for each facility used by the applicant for the storage, handling, and distribution of prescription drugs;
4. The type of ownership or operation, such as a partnership, corporation, or sole proprietorship; and
5. The names of the owner and the operator of the establishment, including:
 - a. If an individual, the name of the individual;
 - b. If a partnership, the name of each partner and the name of the partnership;
 - c. If a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation;
 - d. If a sole proprietorship, the full name of the sole proprietor and the name of the business entity;
 - e. If a limited liability company, the name of each member, the name of each manager, the name of the limited liability company, and the

name of the state in which the limited liability company was organized; and

- f. Any other relevant information that the department requires.

(b) Upon approval of the application by the department and payment of the required fee, the department shall issue a permit to the applicant, if the applicant meets the requirements of *this part ss. 499.001-499.081* and rules adopted under *this part those sections*.

(c) Any change in information required under paragraph (a) must be submitted to the department before the change occurs.

(d) The department shall consider, at a minimum, the following factors in reviewing the qualifications of persons to be permitted under *this part ss. 499.001-499.081*:

1. The applicant's having been found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a violation of a law that directly relates to a drug, device, or cosmetic. A plea of nolo contendere constitutes a finding of guilt for purposes of this subparagraph.
2. The applicant's having been disciplined by a regulatory agency in any state for any offense that would constitute a violation of *this part ss. 499.001-499.081*.
3. Any felony conviction of the applicant under a federal, state, or local law;
4. The applicant's past experience in manufacturing or distributing drugs, devices, or cosmetics;
5. The furnishing by the applicant of false or fraudulent material in any application made in connection with manufacturing or distributing drugs, devices, or cosmetics;
6. Suspension or revocation by a federal, state, or local government of any permit currently or previously held by the applicant for the manufacture or distribution of any drugs, devices, or cosmetics;
7. Compliance with permitting requirements under any previously granted permits;
8. Compliance with requirements to maintain or make available to the state permitting authority or to federal, state, or local law enforcement officials those records required under this section; and
9. Any other factors or qualifications the department considers relevant to and consistent with the public health and safety.

(5)(6) Except for a permit ~~permits~~ for a prescription drug *wholesale distributor wholesalers* or an out-of-state prescription drug *wholesale distributor wholesalers*:

- (a) The department shall adopt rules for the biennial renewal of permits.
- (b) The department shall renew a permit upon receipt of the renewal application and renewal fee if the applicant meets the requirements established under *this part ss. 499.001-499.081* and the rules adopted under *this part those sections*.

(c) A permit, unless sooner suspended or revoked, automatically expires 2 years after the last day of the anniversary month in which the permit was originally issued. A permit issued under *this part ss. 499.001-499.081* may be renewed by making application for renewal on forms furnished by the department and paying the appropriate fees. If a renewal application and fee are submitted and postmarked after the expiration date of the permit, the permit may be renewed only upon payment of a late renewal delinquent fee of \$100, plus the required renewal fee, not later than 60 days after the expiration date.

(d) Failure to renew a permit in accordance with this section precludes any future renewal of that permit. If a permit issued pursuant to *this part section* has expired and cannot be renewed, before an establishment may engage in activities that require a permit under *this part ss. 499.001-499.081*, the establishment must submit an application for a new permit, pay the applicable application fee, the initial permit fee, and all applicable penalties, and be issued a new permit by the department.

(6)(7) A permit issued by the department is nontransferable. Each permit is valid only for the person or governmental unit to which it is issued and is not subject to sale, assignment, or other transfer, voluntarily or involuntarily; nor is a permit valid for any establishment other than the establishment for which it was originally issued.

(a) A person permitted under *this part ss. 499.001-499.081* must notify the department before making a change of address. The department shall set a change of location fee not to exceed \$100.

(b)1. An application for a new permit is required when a majority of the ownership or controlling interest of a permitted establishment is transferred or assigned or when a lessee agrees to undertake or provide services to the extent that legal liability for operation of the establishment will rest with the lessee. The application for the new permit must be made before the date of the sale, transfer, assignment, or lease.

2. A permittee that is authorized to distribute *prescription legend* drugs may transfer such drugs to the new owner or lessee under subparagraph 1. only after the new owner or lessee has been approved for a permit to distribute *prescription legend* drugs.

(c) If an establishment permitted under *this part ss. 499.001-499.081* closes, the owner must notify the department in writing before the effective date of closure and must:

1. Return the permit to the department;
2. If the permittee is authorized to distribute *prescription legend* drugs, indicate the disposition of such drugs, including the name, address, and inventory, and provide the name and address of a person to contact regarding access to records that are required to be maintained under *this part ss. 499.001-499.081*. Transfer of ownership of *prescription legend* drugs may be made only to persons authorized to possess *prescription legend* drugs under *this part ss. 499.001-499.081*.

The department may revoke the permit of any person that fails to comply with the requirements of this subsection.

(7)(8) A permit must be posted in a conspicuous place on the licensed premises.

(8)(3) An application for a permit or to renew a permit for a prescription drug *wholesale distributor wholesaler* or an out-of-state prescription drug *wholesale distributor wholesaler* submitted to the department must include:

- (a) The name, full business address, and telephone number of the applicant.
- (b) All trade or business names used by the applicant.
- (c) The address, telephone numbers, and the names of contact persons for each facility used by the applicant for the storage, handling, and distribution of prescription drugs.
- (d) The type of ownership or operation, such as a partnership, corporation, or sole proprietorship.
- (e) The names of the owner and the operator of the establishment, including:
 1. If an individual, the name of the individual.
 2. If a partnership, the name of each partner and the name of the partnership.
 3. If a corporation:
 - a. The name, address, and title of each corporate officer and director.
 - b. The name and address of the corporation, resident agent of the corporation, the resident agent's address, and the corporation's state of incorporation.
 - c. The name and address of each shareholder of the corporation that owns 5 percent or more of the outstanding stock of the corporation.
 4. If a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

5. If a limited liability company:

- a. The name and address of each member.
- b. The name and address of each manager.
- c. The name and address of the limited liability company, the resident agent of the limited liability company, and the name of the state in which the limited liability company was organized.

(f) If applicable, the name and address of each member of the affiliated group of which the applicant is a member.

(g)1. For an application for a new permit, the estimated annual dollar volume of prescription drug sales of the applicant, the estimated annual percentage of the applicant's total company sales that are prescription drugs, the applicant's estimated annual total dollar volume of purchases of prescription drugs, and the applicant's estimated annual total dollar volume of prescription drug purchases directly from manufacturers.

2. For an application to renew a permit, the total dollar volume of prescription drug sales in the previous year, the total dollar volume of prescription drug sales made in the previous 6 months, the percentage of total company sales that were prescription drugs in the previous year, the total dollar volume of purchases of prescription drugs in the previous year, and the total dollar volume of prescription drug purchases directly from manufacturers in the previous year.

Such portions of the information required pursuant to this paragraph which are a trade secret, as defined in s. 812.081, shall be maintained by the department as trade secret information is required to be maintained under s. 499.051.

(h) The tax year of the applicant.

(i) A copy of the deed for the property on which applicant's establishment is located, if the establishment is owned by the applicant, or a copy of the applicant's lease for the property on which applicant's establishment is located that has an original term of not less than 1 calendar year, if the establishment is not owned by the applicant.

(j) A list of all licenses and permits issued to the applicant by any other state which authorize the applicant to purchase or possess prescription drugs.

(k) The name of the manager of the establishment that is applying for the permit or to renew the permit, the next four highest ranking employees responsible for prescription drug wholesale operations for the establishment, and the name of all affiliated parties for the establishment, together with the personal information statement and fingerprints required pursuant to subsection (9) (4) for each of such persons.

(l) The name of each of the applicant's designated representatives as required by subsection (16) (11), together with the personal information statement and fingerprints required pursuant to subsection (9) (4) for each such person.

(m) For an applicant that is a secondary *wholesale distributor wholesaler*, each of the following:

1. A personal background information statement containing the background information and fingerprints required pursuant to subsection (9) (4) for each person named in the applicant's response to paragraphs (k) and (l) and for each affiliated party of the applicant.
2. If any of the five largest shareholders of the corporation seeking the permit is a corporation, the name, address, and title of each corporate officer and director of each such corporation; the name and address of such corporation; the name of such corporation's resident agent, such corporation's resident agent's address, and such corporation's state of its incorporation; and the name and address of each shareholder of such corporation that owns 5 percent or more of the stock of such corporation.
3. The name and address of all financial institutions in which the applicant has an account which is used to pay for the operation of the establishment or to pay for drugs purchased for the establishment, together with the names of all persons that are authorized signatories on such accounts. The portions of the information required pursuant to this subparagraph which are a trade secret, as defined in s. 812.081, shall be

maintained by the department as trade secret information is required to be maintained under s. 499.051.

4. The sources of all funds and the amounts of such funds used to purchase or finance purchases of prescription drugs or to finance the premises on which the establishment is to be located.

5. If any of the funds identified in subparagraph 4. were borrowed, copies of all promissory notes or loans used to obtain such funds.

(n) Any other relevant information that the department requires, including, but not limited to, any information related to whether the applicant satisfies the definition of a primary *wholesale distributor wholesaler* or a secondary *wholesale distributor wholesaler*.

(9)(4)(a) Each person required by subsection (8) (3) to provide a personal information statement and fingerprints shall provide the following information to the department on forms prescribed by the department:

1. The person's places of residence for the past 7 years.
2. The person's date and place of birth.
3. The person's occupations, positions of employment, and offices held during the past 7 years.
4. The principal business and address of any business, corporation, or other organization in which each such office of the person was held or in which each such occupation or position of employment was carried on.
5. Whether the person has been, during the past 7 years, the subject of any proceeding for the revocation of any license and, if so, the nature of the proceeding and the disposition of the proceeding.
6. Whether, during the past 7 years, the person has been enjoined, ~~either~~ temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the possession, control, or distribution of prescription drugs, together with details concerning any such event.
7. A description of any involvement by the person with any business, including any investments, other than the ownership of stock in a publicly traded company or mutual fund, during the past 7 years, which manufactured, administered, prescribed, distributed, or stored pharmaceutical products and any lawsuits in which such businesses were named as a party.
8. A description of any felony criminal offense of which the person, as an adult, was found guilty, regardless of whether adjudication of guilt was withheld or whether the person pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony in this state must be reported. If the person indicates that a criminal conviction is under appeal and submits a copy of the notice of appeal of that criminal offense, the applicant must, within 15 days after the disposition of the appeal, submit to the department a copy of the final written order of disposition.
9. A photograph of the person taken in the previous 30 days.
10. A set of fingerprints for the person on a form and under procedures specified by the department, together with payment of an amount equal to the costs incurred by the department for the criminal record check of the person.
11. The name, address, occupation, and date and place of birth for each member of the person's immediate family who is 18 years of age or older. As used in this subparagraph, the term "member of the person's immediate family" includes the person's spouse, children, parents, siblings, the spouses of the person's children, and the spouses of the person's siblings.
12. Any other relevant information that the department requires.

(b) The information required pursuant to paragraph (a) shall be provided under oath.

(c) The department shall submit the fingerprints provided by a person for initial licensure to the Department of Law Enforcement for a

statewide criminal record check and for forwarding to the Federal Bureau of Investigation for a national criminal record check of the person. The department shall submit the fingerprints provided by a person as a part of a renewal application to the Department of Law Enforcement for a statewide criminal record check, and for forwarding to the Federal Bureau of Investigation for a national criminal record check, for the initial renewal of a permit after January 1, 2004; for any subsequent renewal of a permit, the department shall submit the required information for a statewide and national criminal record check of the person. Any person who as a part of an initial permit application or initial permit renewal after January 1, 2004, submits to the department a set of fingerprints required for the criminal record check required in this paragraph shall not be required to provide a subsequent set of fingerprints for a criminal record check to the department, if the person has undergone a criminal record check as a condition of the issuance of an initial permit or the initial renewal of a permit of an applicant after January 1, 2004.

(10)(5) The department may deny an application for a permit or refuse to renew a permit for a prescription drug *wholesale distributor wholesaler* or an out-of-state prescription drug *wholesale distributor wholesaler* if:

- (a) The applicant has not met the requirements for the permit.
- (b) The management, officers, or directors of the applicant or any affiliated party are found by the department to be incompetent or untrustworthy.
- (c) The applicant is so lacking in experience in managing a wholesale distributor as to make the issuance of the proposed permit hazardous to the public health.
- (d) The applicant is so lacking in experience in managing a wholesale distributor as to jeopardize the reasonable promise of successful operation of the wholesale distributor.
- (e) The applicant is lacking in experience in the distribution of prescription drugs.
- (f) The applicant's past experience in manufacturing or distributing prescription drugs indicates that the applicant poses a public health risk.
- (g) The applicant is affiliated directly or indirectly through ownership, control, or other business relations, with any person or persons whose business operations are or have been detrimental to the public health.
- (h) The applicant, or any affiliated party, has been found guilty of or has pleaded guilty or nolo contendere to any felony or crime punishable by imprisonment for 1 year or more under the laws of the United States, any state, or any other country, regardless of whether adjudication of guilt was withheld.
- (i) The applicant or any affiliated party has been charged with a felony in a state or federal court and the disposition of that charge is pending during the application review or renewal review period.
- (j) The applicant has furnished false or fraudulent information or material in any application made in this state or any other state in connection with obtaining a permit or license to manufacture or distribute drugs, devices, or cosmetics.
- (k) That a federal, state, or local government permit currently or previously held by the applicant, or any affiliated party, for the manufacture or distribution of any drugs, devices, or cosmetics has been disciplined, suspended, or revoked and has not been reinstated.
- (l) The applicant does not possess the financial or physical resources to operate in compliance with the permit being sought, this chapter, and the rules adopted under this chapter.
- (m) The applicant or any affiliated party receives, directly or indirectly, financial support and assistance from a person who was an affiliated party of a permittee whose permit was subject to discipline or was suspended or revoked, other than through the ownership of stock in a publicly traded company or a mutual fund.
- (n) The applicant or any affiliated party receives, directly or indirectly, financial support and assistance from a person who has been

found guilty of any violation of *this part ss. 499.001-499.081* or chapter 465, chapter 501, or chapter 893, any rules adopted under any of *this part those sections or those chapters*, any federal or state drug law, or any felony where the underlying facts related to drugs, regardless of whether the person has been pardoned, had her or his civil rights restored, or had adjudication withheld, other than through the ownership of stock in a publicly traded company or a mutual fund.

(o) The applicant for renewal of a permit under s. 499.01(2)(d) ~~paragraph (2)(a)~~ or s. 499.01(2)(e) ~~paragraph (2)(e)~~ has not actively engaged in the wholesale distribution of prescription drugs, as demonstrated by the regular and systematic distribution of prescription drugs throughout the year as evidenced by not fewer than 12 wholesale distributions in the previous year and not fewer than three wholesale distributions in the previous 6 months.

(p) Information obtained in response to s. 499.01(2)(d) ~~paragraph (2)(a)~~ or s. 499.01(2)(e) ~~paragraph (2)(e)~~ demonstrates it would not be in the best interest of the public health, safety, and welfare to issue a permit.

(q) The applicant does not possess the financial standing and business experience for the successful operation of the applicant.

(r) The applicant or any affiliated party has failed to comply with the requirements for manufacturing or distributing prescription drugs under *this part ss. 499.001-499.081*, similar federal laws, similar laws in other states, or the rules adopted under such laws.

(11)(6) Upon approval of the application by the department and payment of the required fee, the department shall issue or renew a prescription drug *wholesale distributor wholesaler* or an out-of-state prescription drug *wholesale distributor wholesaler* permit to the applicant.

(12)(7) For a permit ~~permits~~ for a prescription drug *wholesale distributor wholesalers* or an out-of-state prescription drug *wholesale distributor wholesalers*:

(a) The department shall adopt rules for the annual renewal of permits. At least 90 days before the expiration of a permit, the department shall forward a permit renewal notification and renewal application to the prescription drug *wholesale distributor wholesaler* or out-of-state prescription drug *wholesale distributor wholesaler* at the mailing address of the permitted establishment on file with the department. The permit renewal notification must state conspicuously the date on which the permit for the establishment will expire and that the establishment may not operate unless the permit for the establishment is renewed timely.

(b) A permit, unless sooner suspended or revoked, automatically expires 1 year after the last day of the anniversary month in which the permit was originally issued. A permit may be renewed by making application for renewal on forms furnished by the department and paying the appropriate fees. If a renewal application and fee are submitted and postmarked after 45 days prior to the expiration date of the permit, the permit may be renewed only upon payment of a late renewal fee of \$100, plus the required renewal fee. A permittee that has submitted a renewal application in accordance with this paragraph may continue to operate under its permit, unless the permit is suspended or revoked, until final disposition of the renewal application.

(c) Failure to renew a permit in accordance with this section precludes any future renewal of that permit. If a permit issued pursuant to this section has expired and cannot be renewed, before an establishment may engage in activities that require a permit under *this part ss. 499.001-499.081*, the establishment must submit an application for a new permit; pay the applicable application fee, initial permit fee, and all applicable penalties; and be issued a new permit by the department.

(13)(8) A person that engages in wholesale distribution of prescription drugs in this state must have a wholesale distributor's permit issued by the department, except as noted in this section. Each establishment must be separately permitted except as noted in this subsection.

(a) A separate establishment permit is not required when a permitted prescription drug *wholesale distributor wholesaler* consigns a prescription drug to a pharmacy that is permitted under chapter 465 and located in this state, provided that:

1. The consignor *wholesale distributor wholesaler* notifies the department in writing of the contract to consign prescription drugs to a pharmacy along with the identity and location of each consignee pharmacy;

2. The pharmacy maintains its permit under chapter 465;

3. The consignor *wholesale distributor wholesaler*, which has no legal authority to dispense prescription drugs, complies with all wholesale distribution requirements of ss. ~~s.~~ 499.0121 and 499.01212 with respect to the consigned drugs and maintains records documenting the transfer of title or other completion of the wholesale distribution of the consigned prescription drugs;

4. The distribution of the prescription drug is otherwise lawful under this chapter and other applicable law;

5. Open packages containing prescription drugs within a pharmacy are the responsibility of the pharmacy, regardless of how the drugs are titled; and

6. The pharmacy dispenses the consigned prescription drug in accordance with the limitations of its permit under chapter 465 or returns the consigned prescription drug to the consignor *wholesale distributor wholesaler*. In addition, a person who holds title to prescription drugs may transfer the drugs to a person permitted or licensed to handle the reverse distribution or destruction of drugs. Any other distribution by and means of the consigned prescription drug by any person, not limited to the consignor *wholesale distributor wholesaler* or consignee pharmacy, to any other person is prohibited.

(b) A wholesale distributor's permit is not required for the one-time transfer of title of a pharmacy's lawfully acquired prescription drug inventory by a pharmacy with a valid permit issued under chapter 465 to a consignor prescription drug *wholesale distributor wholesaler*, permitted under this chapter, in accordance with a written consignment agreement between the pharmacy and that *wholesale distributor wholesaler* if: the permitted pharmacy and the permitted prescription drug *wholesale distributor wholesaler* comply with all of the provisions of paragraph (a) and the prescription drugs continue to be within the permitted pharmacy's inventory for dispensing in accordance with the limitations of the pharmacy permit under chapter 465. A consignor drug *wholesale distributor wholesaler* may not use the pharmacy as a wholesale distributor through which it distributes the *prescription legend* drugs to other pharmacies. Nothing in this section is intended to prevent a wholesale ~~drug~~ distributor from obtaining this inventory in the event of nonpayment by the pharmacy.

(c) *A separate establishment permit is not required when a permitted prescription drug wholesale distributor operates temporary transit storage facilities for the sole purpose of storage, for up to 16 hours, of a delivery of prescription drugs when the wholesale distributor was temporarily unable to complete the delivery to the recipient.*

(d)(e) The department shall require information from each

wholesale distributor as part of the permit and renewal of such permit, as required under ~~s. 499.01~~ or this section.

(14)(9) Personnel employed in wholesale distribution must have appropriate education and experience to enable them to perform their duties in compliance with state permitting requirements.

(15)(10) The name of a permittee or establishment on a prescription drug *wholesale distributor wholesaler* permit or an out-of-state prescription drug *wholesale distributor wholesaler* permit may not include any indicia of attainment of any educational degree, any indicia that the permittee or establishment possesses a professional license, or any name or abbreviation that the department determines is likely to cause confusion or mistake or that the department determines is deceptive, including that of any other entity authorized to purchase prescription drugs.

(16)(11)(a) Each establishment that is issued an initial or renewal permit as a prescription drug *wholesale distributor wholesaler* or an out-of-state prescription drug *wholesale distributor wholesaler* must designate in writing to the department at least one natural person to serve as the designated representative of the *wholesale distributor wholesaler*. Such person must have an active certification as a designated representative from the department.

(b) To be certified as a designated representative, a natural person must:

1. Submit an application on a form furnished by the department and pay the appropriate fees;
2. Be at least 18 years of age;
3. Have not less than 2 years of verifiable full-time work experience in a pharmacy licensed in this state or another state, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs, or have not less than 2 years of verifiable full-time managerial experience with a prescription drug *wholesale distributor* ~~wholesaler~~ licensed in this state or in another state;
4. Receive a passing score of at least 75 percent on an examination given by the department regarding federal laws governing distribution of prescription drugs and *this part ss. 499.001-499.081* and the rules adopted by the department governing the wholesale distribution of prescription drugs. This requirement shall be effective 1 year after the results of the initial examination are mailed to the persons that took the examination. The department shall offer such examinations at least four times each calendar year; and
5. Provide the department with a personal information statement and fingerprints pursuant to subsection (9)(4).

(c) The department may deny an application for certification as a designated representative or may suspend or revoke a certification of a designated representative pursuant to s. 499.067.

(d) A designated representative:

1. Must be actively involved in and aware of the actual daily operation of the wholesale distributor.
2. Must be employed full time in a managerial position by the wholesale distributor.
3. Must be physically present at the establishment during normal business hours, except for time periods when absent due to illness, family illness or death, scheduled vacation, or other authorized absence.
4. May serve as a designated representative for only one wholesale distributor at any one time.

(e) A wholesale distributor must notify the department when a designated representative leaves the employ of the wholesale distributor. Such notice must be provided to the department within 10 business days after the last day of designated representative's employment with the wholesale distributor.

(f) A wholesale distributor may not operate under a prescription drug *wholesale distributor* ~~wholesaler~~ permit or an out-of-state prescription drug *wholesale distributor* ~~wholesaler~~ permit for more than 10 business days after the designated representative leaves the employ of the wholesale distributor, unless the wholesale distributor employs another designated representative and notifies the department within 10 business days of the identity of the new designated representative.

Section 12. Section 499.01201, Florida Statutes, is amended to read:

499.01201 Agency for Health Care Administration review and use of statute and rule violation or compliance data.—Notwithstanding any other provisions of law to the contrary, the Agency for Health Care Administration may not:

- (1) Review or use any violation or alleged violation of s. 499.0121(6) or s. 499.01212, or any rules adopted under *those sections* ~~that section~~, as a ground for denying or withholding any payment of a Medicaid reimbursement to a pharmacy licensed under chapter 465; or
- (2) Review or use compliance with s. 499.0121(6) or s. 499.01212, or any rules adopted under *those sections* ~~that section~~, as the subject of any audit of Medicaid-related records held by a pharmacy licensed under chapter 465.

Section 13. Section 499.0121, Florida Statutes, is amended, and subsection (4) of section 499.013, Florida Statutes, is redesignated as paragraph (d) of subsection (6) of that section and amended, to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.—The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(1) ESTABLISHMENTS.—An establishment at which prescription drugs are stored, warehoused, handled, held, offered, marketed, or displayed must:

- (a) Be of suitable size and construction to facilitate cleaning, maintenance, and proper operations;
- (b) Have storage areas designed to provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;
- (c) Have a quarantine area for storage of prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated, or that are in immediate or sealed, secondary containers that have been opened;
- (d) Be maintained in a clean and orderly condition; and
- (e) Be free from infestation by insects, rodents, birds, or vermin of any kind.

(2) SECURITY.—

(a) An establishment that is used for wholesale drug distribution must be secure from unauthorized entry.

1. Access from outside the premises must be kept to a minimum and be well-controlled.
2. The outside perimeter of the premises must be well-lighted.
3. Entry into areas where prescription drugs are held must be limited to authorized personnel.

(b) An establishment that is used for wholesale drug distribution must be equipped with:

1. An alarm system to detect entry after hours; however, the department may exempt by rule establishments that only hold a permit as prescription drug *wholesale distributor-brokers* ~~wholesaler-brokers~~ and establishments that only handle medical oxygen; and
2. A security system that will provide suitable protection against theft and diversion. When appropriate, the security system must provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(c) Any vehicle that contains prescription drugs must be secure from unauthorized access to the prescription drugs in the vehicle.

(3) STORAGE.—All prescription drugs shall be stored at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of such drugs, or with requirements in the official compendium.

(a) If no storage requirements are established for a prescription drug, the drug may be held at "controlled" room temperature, as defined in the official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

(b) Appropriate manual, electromechanical, or electronic temperature and humidity recording equipment, devices, or logs must be used to document proper storage of prescription drugs.

(c) The recordkeeping requirements in subsection (6) must be followed for all stored prescription drugs.

(4) EXAMINATION OF MATERIALS AND RECORDS.—

(a) Upon receipt, each outside shipping container must be visually examined for identity and to prevent the acceptance of contaminated prescription drugs that are otherwise unfit for distribution. This examination must be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.

(b) Each outgoing shipment must be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have expired or been damaged in storage or held under improper conditions.

(c) The recordkeeping requirements in subsection (6) must be followed for all incoming and outgoing prescription drugs.

(d) Upon receipt, a *wholesale distributor* ~~wholesaler~~ must review records required under this section for the acquisition of prescription drugs for accuracy and completeness, considering the total facts and circumstances surrounding the transactions and the wholesale distributors involved. This includes authenticating each transaction listed on a pedigree paper, as defined in s. 499.003(35) ~~s. 499.001(31)~~.

(5) RETURNED, DAMAGED, OR OUTDATED PRESCRIPTION DRUGS.—

(a)1. Prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated must be quarantined and physically separated from other prescription drugs until they are destroyed or returned to their supplier. A quarantine section must be separate and apart from other sections where prescription drugs are stored so that prescription drugs in this section are not confused with usable prescription drugs.

2. Prescription drugs must be examined at least every 12 months, and drugs for which the expiration date has passed must be removed and quarantined.

(b) Any prescription drugs of which the immediate or sealed outer containers or sealed secondary containers have been opened or used must be identified as such and must be quarantined and physically separated from other prescription drugs until they are either destroyed or returned to the supplier.

(c) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, the drug must be destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity. In determining whether the conditions under which a drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, the wholesale drug distributor must consider, among other things, the conditions under which the drug has been held, stored, or shipped before or during its return and the conditions of the drug and its container, carton, or labeling, as a result of storage or shipping.

(d) The recordkeeping requirements in subsection (6) must be followed for all outdated, damaged, deteriorated, misbranded, or adulterated prescription drugs.

(6) RECORDKEEPING.—The department shall adopt rules that require keeping such records of prescription drugs as are necessary for the protection of the public health.

(a) Wholesale drug distributors must establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of prescription drugs. These records must provide a complete audit trail from receipt to sale or other disposition, be readily retrievable for inspection, and include, at a minimum, the following information:

1. The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;
2. The name, principal address, and state license permit or registration number of the person authorized to purchase prescription drugs;
3. The name, strength, dosage form, and quantity of the drugs received and distributed or disposed of;
4. The dates of receipt and distribution or other disposition of the drugs; and
5. Any financial documentation supporting the transaction.

(b) Inventories and records must be made available for inspection and photocopying by authorized federal, state, or local officials for a

period of 2 years following disposition of the drugs or 3 years after the creation of the records, whichever period is longer.

(c) Records described in this section that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means must be readily available for authorized inspection during the retention period. Records that are kept at a central location outside of this state and that are not electronically retrievable must be made available for inspection within 2 working days after a request by an authorized official of a federal, state, or local law enforcement agency. Records that are maintained at a central location within this state must be maintained at an establishment that is permitted pursuant to *this part* ~~ss. 499.001-499.081~~ and must be readily available.

(d)(4) Each manufacturer or repackager of medical devices, over-the-counter drugs, or cosmetics must maintain records that include the name and principal address of the seller or transferor of the product, the address of the location from which the product was shipped, the date of the transaction, the name and quantity of the product involved, and the name and principal address of the person who purchased the product.

(e) A *wholesale distributor* must maintain pedigree papers separate and distinct from other records required under this chapter.

~~(d)1. Effective July 1, 2006, each person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug must, before each wholesale distribution of such drug, provide to the person who receives the drug a pedigree paper as defined in s. 499.003(31).~~

~~2. A repackager must comply with this paragraph.~~

~~3. The pedigree paper requirements in this paragraph do not apply to compressed medical gases or veterinary legend drugs.~~

~~4. Each wholesale distributor of prescription drugs must maintain separate and distinct from other required records all statements that are required under subparagraph 1.~~

~~5. Subparagraph 1. is satisfied when a wholesale distributor takes title to, but not possession of, a prescription drug and the prescription drug's manufacturer ships the prescription drug directly to a person authorized by law to purchase prescription drugs for the purpose of administering or dispensing the drug, as defined in s. 465.003, or a member of an affiliated group, as described in paragraph (f), with the exception of a repackager.~~

~~a. The wholesale distributor must deliver to the recipient of the prescription drug, within 14 days after the shipment notification from the manufacturer, an invoice and the following sworn statement: "This wholesale distributor purchased the specific unit of the prescription drug listed on the invoice directly from the manufacturer, and the specific unit of prescription drug was shipped by the manufacturer directly to a person authorized by law to administer or dispense the legend drug, as defined in s. 465.003, Florida Statutes, or a member of an affiliated group, as described in s. 499.0121(6)(f), Florida Statutes, with the exception of a repackager." The invoice must contain a unique cross-reference to the shipping document sent by the manufacturer to the recipient of the prescription drug.~~

~~b. The manufacturer of the prescription drug shipped directly to the recipient under this section must provide and the recipient of the prescription drug must acquire, within 14 days after receipt of the prescription drug, a shipping document from the manufacturer that contains, at a minimum:~~

~~(I) The name and address of the manufacturer, including the point of origin of the shipment, and the names and addresses of the wholesaler and the purchaser.~~

~~(II) The name of the prescription drug as it appears on the label.~~

~~(III) The quantity, dosage form, and strength of the prescription drug.~~

~~(IV) The date of the shipment from the manufacturer.~~

~~e. The wholesale distributor must also maintain and make available to the department, upon request, the lot number of such drug if not contained in the shipping document acquired by the recipient.~~

6. ~~Failure of the manufacturer to provide, the recipient to acquire, or the wholesale distributor to deliver, the documentation required under subparagraph 5. shall constitute failure to acquire or deliver a pedigree paper under s. 499.0051. Forgery by the manufacturer, the recipient, or the wholesale distributor of the documentation required to be acquired or delivered under subparagraph 5. shall constitute forgery of a pedigree paper under s. 499.0051.~~

7. The department may, by rule, specify alternatives to compliance with subparagraph 1. for a prescription drug in the inventory of a permitted prescription drug wholesaler as of June 30, 2006, and the return of a prescription drug purchased prior to July 1, 2006. The department may specify time limits for such alternatives.

(7)(e) *PRESCRIPTION DRUG PURCHASE LIST.*—Each wholesale distributor, except for a manufacturer, shall annually provide the department with a written list of all wholesale distributors and manufacturers from whom the wholesale distributor purchases prescription drugs. A wholesale distributor, except a manufacturer, shall notify the department not later than 10 days after any change to either list. Such portions of the information required pursuant to this subsection paragraph which are a trade secret, as defined in s. 812.081, shall be maintained by the department as trade secret information is required to be maintained under s. 499.051.

(f)1. ~~This paragraph applies only to an affiliated group, as defined by s. 1504 of the Internal Revenue Code of 1986, as amended, which is composed of chain drug entities, including at least 50 retail pharmacies, warehouses, or repackagers, which are members of the same affiliated group, if the affiliated group:~~

- a. ~~Discloses to the department the names of all its members; and~~
 - b. ~~Agrees in writing to provide records on prescription drug purchases by members of the affiliated group not later than 48 hours after the department requests such records, regardless of the location where the records are stored.~~
2. ~~Each warehouse within the affiliated group must comply with all applicable federal and state drug wholesale permit requirements and must purchase, receive, hold, and distribute prescription drugs only to a retail pharmacy or warehouse within the affiliated group. Such a warehouse is exempt from providing a pedigree paper in accordance with paragraph (d) to its affiliated group member warehouse or retail pharmacy, provided that:~~

- a. ~~Any affiliated group member that purchases or receives a prescription drug from outside the affiliated group must receive a pedigree paper if the prescription drug is distributed in or into this state and a pedigree paper is required under this section and must authenticate the documentation as required in subsection (4), regardless of whether the affiliated group member is directly subject to regulation under this chapter; and~~
- b. ~~The affiliated group makes available to the department on request all records related to the purchase or acquisition of prescription drugs by members of the affiliated group, regardless of the location where the records are stored, if the prescription drugs were distributed in or into this state.~~

3. ~~If a repackager repackages prescription drugs solely for distribution to its affiliated group members for the exclusive distribution to and among retail pharmacies that are members of the affiliated group to which the repackager is a member:~~

- a. ~~The repackager must:~~
 - (I) ~~In lieu of the written statement required by paragraph (d), for all repackaged prescription drugs distributed in or into this state, state in writing under oath with each distribution of a repackaged prescription drug to an affiliated group member warehouse or repackager: "All repackaged prescription drugs are purchased by the affiliated group directly from the manufacturer or from a prescription drug wholesaler that purchased the prescription drugs directly from the manufacturer.";~~
 - (II) ~~Purchase all prescription drugs it repackages:~~
 - (A) ~~Directly from the manufacturer; or~~

(B) ~~From a prescription drug wholesaler that purchased the prescription drugs directly from the manufacturer; and~~

(III) ~~Maintain records in accordance with this section to document that it purchased the prescription drugs directly from the manufacturer or that its prescription drug wholesale supplier purchased the prescription drugs directly from the manufacturer.~~

b. ~~All members of the affiliated group must provide to agents of the department on request records of purchases by all members of the affiliated group of prescription drugs that have been repackaged, regardless of the location where the records are stored or where the repackager is located.~~

(8)(7) *WRITTEN POLICIES AND PROCEDURES.*—Wholesale drug distributors must establish, maintain, and adhere to written policies and procedures, which must be followed for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. Wholesale drug distributors must include in their written policies and procedures:

- (a) A procedure whereby the oldest approved stock of a prescription drug product is distributed first. The procedure may permit deviation from this requirement, if the deviation is temporary and appropriate.
- (b) A procedure to be followed for handling recalls and withdrawals of prescription drugs. Such procedure must be adequate to deal with recalls and withdrawals due to:
 - 1. Any action initiated at the request of the Food and Drug Administration or any other federal, state, or local law enforcement or other government agency, including the department.
 - 2. Any voluntary action by the manufacturer or repackager to remove defective or potentially defective drugs from the market; or
 - 3. Any action undertaken to promote public health and safety by replacing existing merchandise with an improved product or new package design.
- (c) A procedure to ensure that wholesale drug distributors prepare for, protect against, and handle any crisis that affects security or operation of any facility if a strike, fire, flood, or other natural disaster, or a local, state, or national emergency, occurs.
- (d) A procedure to ensure that any outdated prescription drugs are segregated from other drugs and either returned to the manufacturer or repackager or destroyed. This procedure must provide for written documentation of the disposition of outdated prescription drugs. This documentation must be maintained for 2 years after disposition of the outdated drugs.

(9)(8) *RESPONSIBLE PERSONS.*—Wholesale drug distributors must establish and maintain lists of officers, directors, managers, designated representatives, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

(10)(9) *COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAW.*—A wholesale drug distributor must operate in compliance with applicable federal, state, and local laws and regulations.

(a) A wholesale drug distributor must allow the department and authorized federal, state, and local officials to enter and inspect its premises and delivery vehicles, and to audit its records and written operating procedures, at reasonable times and in a reasonable manner, to the extent authorized by law.

(b) A wholesale drug distributor that deals in controlled substances must register with the Drug Enforcement Administration and must comply with all applicable state, local, and federal laws. A wholesale drug distributor that distributes any substance controlled under chapter 893 must notify the department when registering with the Drug Enforcement Administration pursuant to that chapter and must provide the department with its DEA number.

(11)(10) *SALVAGING AND REPROCESSING.*—A wholesale drug distributor is subject to any applicable federal, state, or local laws or

regulations that relate to prescription drug product salvaging or reprocessing.

(12)(11) **SHIPPING AND TRANSPORTATION.**—The person responsible for shipment and transportation of a prescription drug in a wholesale distribution may use a common carrier; its own vehicle or employee acting within the scope of employment if authorized under s. 499.03 for the possession of prescription drugs in this state; or, in the case of a prescription drug intended for domestic distribution, an independent contractor who must be the agent of the authorized seller or recipient responsible for shipping and transportation as set forth in a written contract between the parties. A person selling a prescription drug for export must obtain documentation, such as a validated airway bill, bill of lading, or other appropriate documentation that the prescription drug was exported. A person responsible for shipping or transporting prescription drugs is not required to maintain documentation from a common carrier that the designated recipient received the prescription drugs; however, the person must obtain such documentation from the common carrier and make it available to the department upon request of the department.

(13)(12) **DUE DILIGENCE OF SUPPLIERS.**—Prior to purchasing any prescription drugs from another wholesale ~~drug~~ distributor, a prescription drug *wholesale distributor wholesaler*, an out-of-state prescription drug *wholesale distributor wholesaler*, or a prescription drug repackager must:

(a) Enter an agreement with the selling wholesale ~~drug~~ distributor by which the selling wholesale ~~drug~~ distributor will indemnify the purchasing wholesale ~~drug~~ distributor for any loss caused to the purchasing wholesale ~~drug~~ distributor related to the purchase of drugs from the selling wholesale ~~drug~~ distributor which are determined to be counterfeit or to have been distributed in violation of any federal or state law governing the distribution of drugs.

(b) Determine that the selling wholesale ~~drug~~ distributor has insurance coverage of not less than the greater of 1 percent of the amount of total dollar volume of the prescription drug sales reported to the department under s. 499.012(8)(g) ~~s. 499.012(3)(g)~~ or \$500,000; however the coverage need not exceed \$2 million.

(c) Obtain information from the selling wholesale ~~drug~~ distributor, including the length of time the selling wholesale ~~drug~~ distributor has been licensed in this state, a copy of the selling wholesale ~~drug~~ distributor's licenses or permits, and background information concerning the ownership of the selling wholesale ~~drug~~ distributor, including the experience of the wholesale distributor in the wholesale distribution of prescription drugs.

(d) Verify that the selling wholesale ~~drug~~ distributor's Florida permit is valid.

(e) Inspect the selling wholesale ~~drug~~ distributor's licensed establishment to document that it has a policies and procedures manual relating to the distribution of drugs, the appropriate temperature controlled environment for drugs requiring temperature control, an alarm system, appropriate access restrictions, and procedures to ensure that records related to the wholesale distribution of prescription drugs are maintained as required by law:

1. Before purchasing any drug from the wholesale ~~drug~~ distributor, and at least once each subsequent year; or

2. Before purchasing any drug from the wholesale ~~drug~~ distributor, and each subsequent year obtain a complete copy of the most recent inspection report for the establishment which was prepared by the department or the regulatory authority responsible for wholesale ~~drug~~ distributors in the state in which the establishment is located.

Section 14. Section 499.01211, Florida Statutes, is amended to read:

499.01211 **Drug Wholesale Distributor ~~Wholesaler~~ Advisory Council.**—

(1) There is created the Drug *Wholesale Distributor Wholesaler* Advisory Council within the department. The council shall meet at least once each calendar quarter. Staff for the council shall be provided by the department. The council shall consist of 11 members who shall serve without compensation. The council shall elect a chairperson and a vice chairperson annually.

(2) The State Surgeon General, or his or her designee, and the Secretary of Health Care Administration, or her or his designee, shall be members of the council. The State Surgeon General shall appoint nine additional members to the council who shall be appointed to a term of 4 years each, as follows:

(a) Three different persons each of whom is employed by a different prescription drug *wholesale distributor wholesaler* licensed under this ~~part chapter~~ which operates nationally and is a primary *wholesale distributor wholesaler*, as defined in s. 499.003(46) ~~s. 499.012(1)(d)~~.

(b) One person employed by a prescription drug *wholesale distributor wholesaler* licensed under this ~~part chapter~~ which is a secondary *wholesale distributor wholesaler*, as defined in s. 499.003(51) ~~s. 499.012(1)(f)~~.

(c) One person employed by a retail pharmacy chain located in this state.

(d) One person who is a member of the Board of Pharmacy and is a pharmacist licensed under chapter 465.

(e) One person who is a physician licensed pursuant to chapter 458 or chapter 459.

(f) One person who is an employee of a hospital licensed pursuant to chapter 395 and is a pharmacist licensed pursuant to chapter 465.

(g) One person who is an employee of a pharmaceutical manufacturer.

(3) The council shall review ~~this part ss. 499.001-499.081~~ and the rules adopted to administer ~~this part ss. 499.001-499.081~~ annually, provide input to the department regarding all proposed rules to administer ~~this part ss. 499.001-499.081~~, make recommendations to the department to improve the protection of the prescription drugs and public health, make recommendations to improve coordination with other states' regulatory agencies and the federal government concerning the wholesale distribution of drugs, and make recommendations to minimize the impact of regulation of the wholesale distribution industry while ensuring protection of the public health.

Section 15. Section 499.01212, Florida Statutes, is created to read:

499.01212 **Pedigree paper.**—

(1) **APPLICATION.**—*Each person who is engaged in the wholesale distribution of a prescription drug must, prior to or simultaneous with each wholesale distribution, provide a pedigree paper to the person who receives the drug.*

(2) **FORMAT.**—*A pedigree paper must contain the following information:*

(a) *For the wholesale distribution of a prescription drug within the normal distribution chain:*

1. *The following statement: "This wholesale distributor purchased the specific unit of the prescription drug directly from the manufacturer."*

2. *The manufacturer's national drug code identifier and the name and address of the wholesale distributor and the purchaser of the prescription drug.*

3. *The name of the prescription drug as it appears on the label.*

4. *The quantity, dosage form, and strength of the prescription drug.*

The wholesale distributor must also maintain and make available to the department, upon request, the point of origin of the prescription drugs, including intracompany transfers, the date of the shipment from the manufacturer to the wholesale distributor, the lot numbers of such drugs, and the invoice numbers from the manufacturer.

(b) *For all other wholesale distributions of prescription drugs:*

1. *The quantity, dosage form, and strength of the prescription drugs.*

2. *The lot numbers of the prescription drugs.*

3. The name and address of each owner of the prescription drug and his or her signature.

4. Shipping information, including the name and address of each person certifying delivery or receipt of the prescription drug.

5. An invoice number, a shipping document number, or another number uniquely identifying the transaction.

6. A certification that the recipient wholesale distributor has authenticated the pedigree papers.

7. The unique serialization of the prescription drug, if the manufacturer or repackager has uniquely serialized the individual prescription drug unit.

8. The name, address, telephone number, and, if available, e-mail contact information of each wholesale distributor involved in the chain of the prescription drug's custody.

(3) **EXCEPTIONS.**—A pedigree paper is not required for:

(a) The wholesale distribution of a prescription drug by the manufacturer or by a third party logistics provider performing a wholesale distribution of a prescription drug for a manufacturer.

(b) The wholesale distribution of a prescription drug by a freight forwarder within the authority of a freight forwarder permit.

(c) The wholesale distribution of a prescription drug by a limited prescription drug veterinary wholesale distributor to a veterinarian.

(d) The wholesale distribution of a compressed medical gas.

(e) The wholesale distribution of a veterinary prescription drug.

(f) A drop shipment, provided:

1. The wholesale distributor delivers to the recipient of the prescription drug, within 14 days after the shipment notification from the manufacturer, an invoice and the following sworn statement: "This wholesale distributor purchased the specific unit of the prescription drug listed on the invoice directly from the manufacturer, and the specific unit of prescription drug was shipped by the manufacturer directly to a person authorized by law to administer or dispense the legend drug, as defined in s. 465.003, Florida Statutes, or a member of an affiliated group, with the exception of a repackager." The invoice must contain a unique cross-reference to the shipping document sent by the manufacturer to the recipient of the prescription drug.

2. The manufacturer of the prescription drug shipped directly to the recipient provides and the recipient of the prescription drug acquires, within 14 days after receipt of the prescription drug, a shipping document from the manufacturer that contains, at a minimum:

a. The name and address of the manufacturer, including the point of origin of the shipment, and the names and addresses of the wholesale distributor and the purchaser.

b. The name of the prescription drug as it appears on the label.

c. The quantity, dosage form, and strength of the prescription drug.

d. The date of the shipment from the manufacturer.

3. The wholesale distributor maintains and makes available to the department, upon request, the lot number of such drug if not contained in the shipping document acquired by the recipient.

Failure of the manufacturer to provide, the recipient to acquire, or the wholesale distributor to deliver the documentation required under this paragraph shall constitute failure to acquire or deliver a pedigree paper under ss. 499.005(28) and 499.0051. Forgery by the manufacturer, the recipient, or the wholesale distributor of the documentation required to be acquired or delivered under this paragraph shall constitute forgery of a pedigree paper under s. 499.0051.

4. The wholesale distributor that takes title to, but not possession of, the prescription drug is not a member of the affiliated group that receives the prescription drug directly from the manufacturer.

(g) The wholesale distribution of a prescription drug by a warehouse within an affiliated group to a warehouse or retail pharmacy within its affiliated group, provided:

1. Any affiliated group member that purchases or receives a prescription drug from outside the affiliated group must receive a pedigree paper if the prescription drug is distributed in or into this state and a pedigree paper is required under this section and must authenticate the documentation as required in s. 499.0121(4), regardless of whether the affiliated group member is directly subject to regulation under this part; and

2. The affiliated group makes available, within 48 hours, to the department on request to one or more of its members all records related to the purchase or acquisition of prescription drugs by members of the affiliated group, regardless of the location where the records are stored, if the prescription drugs were distributed in or into this state.

(h) The repackaging of prescription drugs by a repackager solely for distribution to its affiliated group members for the exclusive distribution to and among retail pharmacies that are members of the affiliated group to which the repackager is a member.

1. The repackager must:

a. For all repackaged prescription drugs distributed in or into this state, state in writing under oath with each distribution of a repackaged prescription drug to an affiliated group member warehouse or repackager: "All repackaged prescription drugs are purchased by the affiliated group directly from the manufacturer or from a prescription drug wholesale distributor that purchased the prescription drugs directly from the manufacturer."

b. Purchase all prescription drugs it repackages:

(I) Directly from the manufacturer; or

(II) From a prescription drug wholesale distributor that purchased the prescription drugs directly from the manufacturer.

c. Maintain records in accordance with this section to document that it purchased the prescription drugs directly from the manufacturer or that its prescription drug wholesale supplier purchased the prescription drugs directly from the manufacturer.

2. All members of the affiliated group must provide, within 48 hours, to agents of the department on request to one or more of its members records of purchases by all members of the affiliated group of prescription drugs that have been repackaged, regardless of the location at which the records are stored or at which the repackager is located.

Section 16. Section 499.0122, Florida Statutes, is repealed.

Section 17. Section 499.013, Florida Statutes, is repealed.

Section 18. Subsections (1), (3), (4), (6), (8), and (9) of section 499.015, Florida Statutes, are amended to read:

499.015 Registration of drugs, devices, and cosmetics; issuance of certificates of free sale.—

(1)(a) Except for those persons exempted from the definition of manufacturer in s. 499.003(32) ~~s. 499.003(28)~~, any person who manufactures, packages, repackages, labels, or relabels a drug, device, or cosmetic in this state must register such drug, device, or cosmetic biennially with the department; pay a fee in accordance with the fee schedule provided by s. 499.041; and comply with this section. The registrant must list each separate and distinct drug, device, or cosmetic at the time of registration.

(b) The department may not register any product that does not comply with the Federal Food, Drug, and Cosmetic Act, as amended, or Title 21 C.F.R. Registration of a product by the department does not mean that the product does in fact comply with all provisions of the Federal Food, Drug, and Cosmetic Act, as amended.

(3) Except for those persons exempted from the definition of manufacturer in s. 499.003(31) ~~s. 499.003(28)~~, a person may not sell any product that he or she has failed to register in conformity with this section. Such failure to register subjects such drug, device, or cosmetic product to seizure and condemnation as provided in s. 499.062 ~~ss.~~

~~499.062-499.064~~, and subjects such person to the penalties and remedies provided in *this part ss. 499.001-499.081*.

(4) Unless a registration is renewed, it expires 2 years after the last day of the month in which it was issued. The department may issue a stop-sale notice or order against a person that is subject to the requirements of this section and that fails to comply with this section within 31 days after the date the registration expires. The notice or order shall prohibit such person from selling or causing to be sold any drugs, devices, or cosmetics covered by *this part ss. 499.001-499.081* until he or she complies with the requirements of this section.

(6) The department may issue a certificate of free sale for any product that is required to be registered under *this part ss. 499.001-499.081*.

(8) Notwithstanding any requirements set forth in *this part ss. 499.001-499.081*, a manufacturer of medical devices that is registered with the federal Food and Drug Administration is exempt from this section and s. 499.041(6) if:

(a) The manufacturer's medical devices are approved for marketing by, or listed with the federal Food and Drug Administration in accordance with federal law for commercial distribution; or

(b) The manufacturer subcontracts with a manufacturer of medical devices to manufacture components of such devices.

(9) However, the manufacturer must submit evidence of such registration, listing, or approval with its initial application for a permit to do business in this state, as required in s. 499.01 ~~s. 499.013~~ and any changes to such information previously submitted at the time of renewal of the permit. Evidence of approval, listing, and registration by the federal Food and Drug Administration must include:

(a) For Class II devices, a copy of the pre-market notification letter (510K);

(b) For Class III devices, a Federal Drug Administration pre-market approval number;

(c) For a manufacturer who subcontracts with a manufacturer of medical devices to manufacture components of such devices, a Federal Drug Administration registration number; or

(d) For a manufacturer of medical devices whose devices are exempt from pre-market approval by the Federal Drug Administration, a Federal Drug Administration registration number.

Section 19. Subsections (3), (5), and (6) of section 499.024, Florida Statutes, are amended to read:

499.024 Drug product classification.—The State Surgeon General shall adopt rules to classify drug products intended for use by humans which the United States Food and Drug Administration has not classified in the federal act or the Code of Federal Regulations.

(3) Any product that falls under the *definition of drug in s. 499.003(19) definition, s. 499.003(17)*, may be classified under the authority of this section. This section does not subject portable emergency oxygen inhalators to classification; however, this section does not exempt any person from ss. 499.01 and 499.015.

(5) The department may by rule reclassify drugs subject to *this part ss. 499.001-499.081* when such classification action is necessary to protect the public health.

(6) The department may adopt rules that exempt from any labeling or packaging requirements of *this part ss. 499.001-499.081* drugs classified under this section if those requirements are not necessary to protect the public health.

Section 20. Subsections (7), (12), and (15) of section 499.028, Florida Statutes, are amended to read:

499.028 Drug samples or complimentary drugs; starter packs; permits to distribute.—

(7) A drug manufacturer or distributor must report to the department any conviction of itself or of its assigns, agents, employees, or representatives for a violation of s. 503(c)(1) of the federal act or of *this*

part ss. 499.001-499.081 because of the sale, purchase, or trade of a drug sample or the offer to sell, purchase, or trade a drug sample.

(12) The department may suspend or revoke a permit issued under this section, after giving notice and an opportunity to be heard pursuant to chapter 120, when:

(a) Such permit was obtained by misrepresentation or fraud or through a mistake of the department.

(b) The holder of the permit has distributed or disposed of any *prescription legend* drug, directly or through its agents, employees, or independent contractors, to any person not authorized to possess such drug.

(c) The holder of the permit, or its agents, employees, or independent contractors, has distributed or possessed any *prescription legend* drug except in the usual course of its business.

(d) The holder of the permit, or its agents, employees, or independent contractors, has distributed any *prescription legend* drug that is misbranded or adulterated under *this part ss. 499.001-499.081*.

(e) The holder of the permit, or its agents, employees, or independent contractors, has distributed any *prescription legend* drug without written request, when a written request is required by this section.

(f) The holder of the permit has in its employ, or uses as agent or independent contractor for the purpose of distributing or disposing of drugs, any person who has:

1. Violated the requirements of this section or any rule adopted under this section.

2. Been convicted in any of the courts of this state, the United States, or any other state of a felony or any other crime involving moral turpitude or involving those drugs named or described in chapter 893.

(15) A person may not possess a prescription drug sample unless:

(a) The drug sample was prescribed to her or him as evidenced by the label required in s. 465.0276(5).

(b) She or he is the employee of a complimentary drug distributor that holds a permit issued under *this part ss. 499.001-499.081*.

(c) She or he is a person to whom prescription drug samples may be distributed pursuant to this section.

(d) He or she is an officer or employee of a federal, state, or local government acting within the scope of his or her employment.

Section 21. Subsections (2) and (3) of section 499.029, Florida Statutes, are amended to read:

499.029 Cancer Drug Donation Program.—

(2) There is created a Cancer Drug Donation Program within the department of Health for the purpose of authorizing and facilitating the donation of cancer drugs and supplies to eligible patients.

(3) As used in this section:

(a) "Cancer drug" means a prescription drug that has been approved under s. 505 of the federal Food, Drug, and Cosmetic Act and is used to treat cancer or its side effects or is used to treat the side effects of a prescription drug used to treat cancer or its side effects. "Cancer drug" does not include a substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03.

(b) "Closed drug delivery system" means a system in which the actual control of the unit-dose medication package is maintained by the facility rather than by the individual patient.

(c) ~~"Department" means the Department of Health.~~

(c)(d) "Donor" means a patient or patient representative who donates cancer drugs or supplies needed to administer cancer drugs that have been maintained within a closed drug delivery system; health care facilities, nursing homes, hospices, or hospitals with closed drug delivery

systems; or pharmacies, drug manufacturers, medical device manufacturers or suppliers, or wholesalers of drugs or supplies, in accordance with this section. "Donor" includes a physician licensed under chapter 458 or chapter 459 who receives cancer drugs or supplies directly from a drug manufacturer, *wholesale distributor drug wholesaler*, or pharmacy.

(d)(e) "Eligible patient" means a person who the department determines is eligible to receive cancer drugs from the program.

(e)(k) "Participant facility" means a class II hospital pharmacy that has elected to participate in the program and that accepts donated cancer drugs and supplies under the rules adopted by the department for the program.

(f)(n) "Prescribing practitioner" means a physician licensed under chapter 458 or chapter 459 or any other medical professional with authority under state law to prescribe cancer medication.

(e) "~~Prescription drug~~" means a drug as defined in s. 465.003(8).

(g)(p) "Program" means the Cancer Drug Donation Program created by this section.

(h)(q) "Supplies" means any supplies used in the administration of a cancer drug.

Section 22. Subsection (1) of section 499.03, Florida Statutes, is amended to read:

499.03 Possession of certain drugs without prescriptions unlawful; exemptions and exceptions.—

(1) A person may not possess, or possess with intent to sell, dispense, or deliver, any habit-forming, toxic, harmful, or new drug subject to s. 499.003(32) ~~s. 499.003(29)~~, or *prescription legend* drug as defined in s. 499.003(42) ~~s. 499.003(25)~~, unless the possession of the drug has been obtained by a valid prescription of a practitioner licensed by law to prescribe the drug. However, this section does not apply to the delivery of such drugs to persons included in any of the classes named in this subsection, or to the agents or employees of such persons, for use in the usual course of their businesses or practices or in the performance of their official duties, as the case may be; nor does this section apply to the possession of such drugs by those persons or their agents or employees for such use:

(a) A licensed pharmacist or any person under the licensed pharmacist's supervision while acting within the scope of the licensed pharmacist's practice;

(b) A licensed practitioner authorized by law to prescribe *prescription legend* drugs or any person under the licensed practitioner's supervision while acting within the scope of the licensed practitioner's practice;

(c) A qualified person who uses *prescription legend* drugs for lawful research, teaching, or testing, and not for resale;

(d) A licensed hospital or other institution that procures such drugs for lawful administration or dispensing by practitioners;

(e) An officer or employee of a federal, state, or local government; or

(f) A person that holds a valid permit issued by the department pursuant to *this part ss. 499.001-499.081* which authorizes that person to possess prescription drugs.

Section 23. Section 499.032, Florida Statutes, is amended to read:

499.032 Phenylalanine; prescription required.—Phenylalanine restricted formula is declared to be a prescription ~~legend~~ drug and may be dispensed only upon the prescription of a practitioner authorized by law to prescribe *prescription medicinal* drugs.

Section 24. Subsection (1) of section 499.033, Florida Statutes, is amended to read:

499.033 Ephedrine; prescription required.—Ephedrine is declared to be a prescription drug.

(1) Except as provided in subsection (2), any product that contains any quantity of ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine may be dispensed only upon the prescription of a duly licensed practitioner authorized by the laws of the state to prescribe *prescription medicinal* drugs.

Section 25. Subsections (1) and (3) of section 499.039, Florida Statutes, are amended to read:

499.039 Sale, distribution, or transfer of harmful chemical substances; penalties; authority for enforcement.—It is unlawful for a person to sell, deliver, or give to a person under the age of 18 years any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, ethylene glycol monomethyl ether acetate, cyclohexanone, nitrous oxide, diethyl ether, alkyl nitrites (butyl nitrite), or any similar substance for the purpose of inducing by breathing, inhaling, or ingesting a condition of intoxication or which is intended to distort or disturb the auditory, visual, or other physical or mental processes.

(1) On the first violation of this section, the department may issue a warning according to s. 499.002(5) ~~s. 499.071~~, if the violation has not caused temporary or permanent physical or mental injury to the user.

(3) The department of ~~Health~~ shall adopt rules to implement this section.

Section 26. Section 499.04, Florida Statutes, is amended to read:

499.04 Fee authority.—The department may collect fees for all drug, device, and cosmetic applications, permits, product registrations, and free-sale certificates. The total amount of fees collected from all permits, applications, product registrations, and free-sale certificates must be adequate to fund the expenses incurred by the department in carrying out *this part ss. 499.001-499.081*. The department shall, by rule, establish a schedule of fees that are within the ranges provided in this section and shall adjust those fees from time to time based on the costs associated with administering *this part ss. 499.001-499.081*. The fees are payable to the department to be deposited into the Florida Drug, Device, and Cosmetic Trust Fund for the sole purpose of carrying out the provisions of *this part ss. 499.001-499.081*.

Section 27. Subsections (1) through (5), (8), and (10) of section 499.041, Florida Statutes, are amended to read:

499.041 Schedule of fees for drug, device, and cosmetic applications and permits, product registrations, and free-sale certificates.—

(1) The department shall assess applicants requiring a manufacturing permit an annual fee within the ranges established in this section for the specific type of manufacturer.

(a) The fee for a prescription drug *manufacturer* ~~manufacturer's~~ permit may not be less than \$500 or more than \$750 annually.

(b) The fee for a device *manufacturer* ~~manufacturer's~~ permit may not be less than \$500 or more than \$600 annually.

(c) The fee for a cosmetic *manufacturer* ~~manufacturer's~~ permit may not be less than \$250 or more than \$400 annually.

(d) The fee for an over-the-counter drug *manufacturer* ~~manufacturer's~~ permit may not be less than \$300 or more than \$400 annually.

(e) The fee for a compressed medical gas *manufacturer* ~~manufacturer's~~ permit may not be less than \$400 or more than \$500 annually.

(f) The fee for a prescription drug *repackager* ~~repackager's~~ permit may not be less than \$500 or more than \$750 annually.

(g) A manufacturer may not be required to pay more than one fee per establishment to obtain an additional manufacturing permit, but each manufacturer must pay the highest fee applicable to his or her operation in each establishment.

(2) The department shall assess an applicant that is required to have a wholesaling permit an annual fee within the ranges established in this section for the specific type of wholesaling.

(a) The fee for a prescription drug *wholesale distributor wholesaler's* permit may not be less than \$300 or more than \$800 annually.

(b) The fee for a compressed medical gas *wholesale distributor wholesaler's* permit may not be less than \$200 or more than \$300 annually.

(c) The fee for an out-of-state prescription drug *wholesale distributor wholesaler's* permit may not be less than \$300 or more than \$800 annually.

(d) The fee for a nonresident prescription drug *manufacturer manufacturer's* permit may not be less than \$300 or more than \$500 annually.

(e) The fee for a retail pharmacy *drug wholesale distributor wholesaler's* permit may not be less than \$35 or more than \$50 annually.

(f) The fee for a freight *forwarder forwarder's* permit may not be less than \$200 or more than \$300 annually.

(g) The fee for a veterinary prescription drug *wholesale distributor wholesaler's* permit may not be less than \$300 or more than \$500 annually.

(h) The fee for a limited prescription drug veterinary *wholesale distributor wholesaler's* permit may not be less than \$300 or more than \$500 annually.

(i) *The fee for a third part logistics provider permit may not be less than \$200 or more than \$300 annually.*

(3) The department shall assess an applicant that is required to have a retail establishment permit an annual fee within the ranges established in this section for the specific type of retail establishment.

(a) The fee for a veterinary *prescription legend* drug retail establishment permit may not be less than \$200 or more than \$300 annually.

(b) The fee for a medical oxygen retail establishment permit may not be less than \$200 or more than \$300 annually.

(c) *The fee for a health care clinic establishment permit may not be less than \$125 or more than \$250 annually.*

(4) The department shall assess an applicant that is required to have a restricted prescription drug *distributor distributor's* permit an annual fee of not less than \$200 or more than \$300.

(5) In addition to the fee charged for a permit required by *this part ss. 499.001-499.081*, the department shall assess applicants an initial application fee of \$150 for each new permit issued by the department which requires an onsite inspection.

(8) The department shall assess an out-of-state prescription drug *wholesale distributor wholesaler* applicant or permittee an onsite inspection fee of not less than \$1,000 or more than \$3,000 annually, to be based on the actual cost of the inspection if an onsite inspection is performed by agents of the department.

(10) The department shall assess other fees as provided in *this part ss. 499.001-499.081*.

Section 28. Section 499.05, Florida Statutes, is amended; subsection (3) of section 499.013, Florida Statutes, is redesignated as paragraph (k) of subsection (1) of that section and amended; paragraph (b) of subsection (2) of section 499.0122, Florida Statutes, is redesignated as paragraph (l) of subsection (1) of that section and amended; and subsection (12) of section 499.012, Florida Statutes, is redesignated as paragraph (m) of subsection (1) of that section and amended, to read:

499.05 Rules.—

(1) The department shall adopt rules to implement and enforce *this part ss. 499.001-499.081* with respect to:

(a) The definition of terms used in *this part ss. 499.001-499.081*, and used in the rules adopted under *this part ss. 499.001-499.081*, when the use of the term is not its usual and ordinary meaning.

(b) Labeling requirements for drugs, devices, and cosmetics.

(c) The establishment of fees authorized in *this part ss. 499.001-499.081*.

(d) The identification of permits that require an initial application and onsite inspection or other prerequisites for permitting which demonstrate that the establishment and person are in compliance with the requirements of *this part ss. 499.001-499.081*.

(e) The application processes and forms for product registration.

(f) Procedures for requesting and issuing certificates of free sale.

(g) Inspections and investigations conducted under s. 499.051, and the identification of information claimed to be a trade secret and exempt from the public records law as provided in s. 499.051(7).

(h) The establishment of a range of penalties, as provided in s. 499.066 ~~s. 499.006~~; requirements for notifying persons of the potential impact of a violation of *this part ss. 499.001-499.081*; and a process for the uncontested settlement of alleged violations.

(i) Additional conditions that qualify as an emergency medical reason under s. 499.003(53)(b)2. ~~s. 499.012(1)(a)2.b.~~

(j) *Procedures and forms relating to the pedigree paper requirement of s. 499.01212.*

(k)(3) ~~The department may adopt such rules as are necessary for~~ The protection of the public health, safety, and welfare regarding good manufacturing practices that manufacturers and repackagers must follow to ensure the safety of the products.

(l)(b) ~~The department shall adopt rules relating to~~ Information required from each retail establishment pursuant to s. 499.012(3) ~~s. 499.01(4)~~, including requirements for prescriptions or orders.

(m)(12) ~~The department may adopt rules governing~~ The recordkeeping, storage, and handling with respect to each of the distributions of prescription drugs specified in s. 499.003(53)(a)-(d) ~~subparagraphs (1)(a)1-4.~~

(n) *Alternatives to compliance with s. 499.01212 for a prescription drug in the inventory of a permitted prescription drug wholesale distributor as of June 30, 2006, and the return of a prescription drug purchased prior to July 1, 2006. The department may specify time limits for such alternatives.*

(2) With respect to products in interstate commerce, those rules must not be inconsistent with rules and regulations of federal agencies unless specifically otherwise directed by the Legislature.

(3) The department shall adopt rules regulating recordkeeping for and the storage, handling, and distribution of medical devices and over-the-counter drugs to protect the public from adulterated products.

Section 29. Section 499.051, Florida Statutes, is amended to read:

499.051 Inspections and investigations.—

(1) The agents of the department of Health and of the Department of Law Enforcement, after they present proper identification, may inspect, monitor, and investigate any establishment permitted pursuant to *this part ss. 499.001-499.081* during business hours for the purpose of enforcing *this part ss. 499.001-499.081*, chapters 465, 501, and 893, and the rules of the department that protect the public health, safety, and welfare.

(2) In addition to the authority set forth in subsection (1), the department and any duly designated officer or employee of the department may enter and inspect any other establishment for the purpose of determining compliance with *this part ss. 499.001-499.081* and rules adopted under *this part these sections* regarding any drug, device, or cosmetic product.

(3) Any application for a permit or product registration or for renewal of such permit or registration made pursuant to *this part ss. 499.001-499.081* and rules adopted under *this part these sections* constitutes permission for any entry or inspection of the premises in order to verify compliance with *this part these sections* and rules; to discover,

investigate, and determine the existence of compliance; or to elicit, receive, respond to, and resolve complaints and violations.

(4) Any application for a permit made pursuant to *s. 499.012 ss. 499.01 and 499.012* and rules adopted under *that section those sections* constitutes permission for agents of the department of Health and the Department of Law Enforcement, after presenting proper identification, to inspect, review, and copy any financial document or record related to the manufacture, repackaging, or distribution of a drug as is necessary to verify compliance with *this part ss. 499.001-499.081* and the rules adopted by the department to administer *this part those sections*, in order to discover, investigate, and determine the existence of compliance, or to elicit, receive, respond to, and resolve complaints and violations.

(5) The authority to inspect under this section includes the authority to access, review, and copy any and all financial documents related to the activity of manufacturing, repackaging, or distributing prescription drugs.

(6) The authority to inspect under this section includes the authority to secure:

(a) Samples or specimens of any drug, device, or cosmetic; or

(b) Such other evidence as is needed for any action to enforce *this part ss. 499.001-499.081* and the rules adopted under *this part those sections*.

(7) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from the ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation and the enforcement action are completed. However, trade secret information contained therein as defined by s. 812.081(1)(c) shall remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, as long as the information is retained by the department. This subsection does not prohibit the department from using such information for regulatory or enforcement proceedings under this chapter or from providing such information to any law enforcement agency or any other regulatory agency. However, the receiving agency shall keep such records confidential and exempt as provided in this subsection. In addition, this subsection is not intended to prevent compliance with the provisions of s. 499.01212 ~~s. 499.0121(6)(d)~~, and the pedigree papers required in that ~~section subsection~~ shall not be deemed a trade secret.

Section 30. Section 499.052, Florida Statutes, is amended to read:

499.052 Records of interstate shipment.—For the purpose of enforcing *this part ss. 499.001-499.081*, carriers engaged in interstate commerce and persons receiving drugs, devices, or cosmetics in interstate commerce must, upon the request, in the manner set out below, by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any drug, device, or cosmetic, and the quantity, shipper, and consignee thereof.

Section 31. Subsection (4) of section 499.055, Florida Statutes, is amended to read:

499.055 Reports and dissemination of information by department.—

(4) The department shall publish on the department's website and update at least monthly:

(a) A list of the prescription drug *wholesale distributors wholesalers*, out-of-state prescription drug *wholesale distributors wholesalers*, and retail pharmacy drug *wholesale distributors wholesalers* against whom the department has initiated enforcement action pursuant to *this part ss. 499.001-499.081* to suspend or revoke a permit, seek an injunction, or otherwise file an administrative complaint and the permit number of each such *wholesale distributor wholesaler*.

(b) A list of the prescription drug *wholesale distributors wholesalers*, out-of-state prescription drug *wholesale distributors wholesalers*, and retail pharmacy drug *wholesale distributors wholesalers* to which the department has issued a permit, including the date on which each permit will expire.

(c) A list of the prescription drug *wholesale distributor wholesalers*, out-of-state prescription drug *wholesale distributor wholesalers*, and retail pharmacy drug *wholesale distributor wholesalers* permits that have been returned to the department, were suspended, were revoked, have expired, or were not renewed in the previous year.

Section 32. Subsections (1) and (3) of section 499.06, Florida Statutes, are amended to read:

499.06 Embargoing, detaining, or destroying article or processing equipment which is in violation of law or rule.—

(1) When a duly authorized agent of the department finds, or has probable cause to believe, that any drug, device, or cosmetic is in violation of any provision of *this part ss. 499.001-499.081* or any rule adopted under *this part such sections* so as to be dangerous, unwholesome, or fraudulent within the meaning of *this part ss. 499.001-499.081*, she or he may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article or processing equipment is, or is suspected of being, in violation and has been detained or embargoed, and which order warns all persons not to remove, use, or dispose of such article or processing equipment by sale or otherwise until permission for removal, use, or disposal is given by such agent or the court. It is unlawful for any person to remove, use, or dispose of such detained or embargoed article or processing equipment by sale or otherwise without such permission; and such act is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) If the court finds that the detained or embargoed article or processing equipment is in violation, such article or processing equipment shall, after entry of the court order, be destroyed or made sanitary at the expense of the claimant thereof, under the supervision of such agent; and all court costs, fees, and storage and other proper expenses shall be taxed against the claimant of such article or processing equipment or her or his agent. However, when the violation can be corrected by proper labeling of the article or sanitizing of the processing equipment, and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article be so labeled or processed or such processing equipment be so sanitized, has been executed, the court may by order direct that such article or processing equipment be delivered to the claimant thereof for such labeling, processing, or sanitizing, under the supervision of an agent of the department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article or processing equipment upon representation to the court by the department that the article or processing equipment is no longer in violation of *this part ss. 499.001-499.081* and that the expenses of such supervision have been paid.

Section 33. Section 499.062, Florida Statutes, is amended; section 499.063, Florida Statutes, is redesignated as section (2) of that section and amended; and section 499.064, Florida Statutes, is redesignated as paragraphs (a) and (b) of subsection (2) of that section and amended, to read:

499.062 Cause for Seizure and condemnation of drugs, devices, or cosmetics.—

(1) Any article of any drug, device, or cosmetic that is adulterated or misbranded under *this part ss. 499.001-499.081* is subject to seizure and condemnation by the department or by its duly authorized agents designated for that purpose in regard to drugs, devices, or cosmetics.

(2) ~~499.063—Seizure; procedure; prohibition on sale or disposal of article; penalty.~~ Whenever a duly authorized officer or employee of the department finds cause, or has probable cause to believe that cause exists, for the seizure of any drug, device, or cosmetic, as set out in *this part ss. 499.001-499.081*, he or she shall affix to the article a tag, stamp, or other appropriate marking, giving notice that the article is, or is suspected of being, subject to seizure under *this part ss. 499.001-499.081* and that the article has been detained and seized by the department. Such officer or employee shall also warn all persons not to remove or dispose of the article, by sale or otherwise, until permission is given by the department or the court. Any person who violates this ~~subsection~~ section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(a) ~~499.064—Condemnation and sale; release of seized article.~~
(1) When any article detained or seized under *this subsection s. 499.063*

has been found by the department to be subject to seizure and condemnation under ~~ss. 499.063~~, the department shall petition the court for an order of condemnation or sale, as the court directs. The proceeds of the sale of drugs, devices, and cosmetics, less the legal costs and charges, shall be deposited into the Florida Drug, Device, and Cosmetic Trust Fund.

(b)(2) If the department finds that any article seized under *this subsection* ~~ss. 499.063~~ was not subject to seizure under that section, the department or the designated officer or employee shall remove the tag or marking.

Section 34. Section 499.065, Florida Statutes, is amended to read:

499.065 *Inspections; imminent danger.*—

(1) Notwithstanding s. 499.051, the department shall inspect each prescription drug wholesale *distributor* establishment, prescription drug repackager establishment, veterinary prescription drug wholesale *distributor* establishment, limited prescription drug veterinary *wholesale distributor wholesaler* establishment, and retail pharmacy drug *wholesale distributor wholesaler* establishment that is required to be permitted under *this part chapter* as often as necessary to ensure compliance with applicable laws and rules. The department shall have the right of entry and access to these facilities at any reasonable time.

(2) To protect the public from prescription drugs that are adulterated or otherwise unfit for human or animal consumption, the department may examine, sample, seize, and stop the sale or use of prescription drugs to determine the condition of those drugs. The department may immediately seize and remove any prescription drugs if the State Surgeon General or his or her designee determines that the prescription drugs represent a threat to the public health. The owner of any property seized under this section may, within 10 days after the seizure, apply to a court of competent jurisdiction for whatever relief is appropriate. At any time after 10 days, the department may destroy the drugs as contraband.

(3) The department may determine that a prescription drug wholesale *distributor* establishment, prescription drug repackager establishment, veterinary prescription drug wholesale *distributor* establishment, limited prescription drug veterinary *wholesale distributor wholesaler* establishment, or retail pharmacy drug *wholesale distributor wholesaler* establishment that is required to be permitted under *this part chapter* is an imminent danger to the public health and shall require its immediate closure if the establishment fails to comply with applicable laws and rules and, because of the failure, presents an imminent threat to the public's health, safety, or welfare. Any establishment so deemed and closed shall remain closed until allowed by the department or by judicial order to reopen.

(4) For purposes of this section, a refusal to allow entry to the department for inspection at reasonable times, or a failure or refusal to provide the department with required documentation for purposes of inspection, constitutes an imminent danger to the public health.

Section 35. Subsections (1) through (4) of section 499.066, Florida Statutes, are amended to read:

499.066 Penalties; remedies.—In addition to other penalties and other enforcement provisions:

(1) The department may institute such suits or other legal proceedings as are required to enforce any provision of *this part ss. 499.001–499.081*. If it appears that a person has violated any provision of *this part ss. 499.001–499.081* for which criminal prosecution is provided, the department may provide the appropriate state attorney or other prosecuting agency having jurisdiction with respect to such prosecution with the relevant information in the department's possession.

(2) If any person engaged in any activity covered by *this part ss. 499.001–499.081* violates any provision of *this part those sections*, any rule adopted under *this part those sections*, or a cease and desist order as provided by *this part those sections*, the department may obtain an injunction in the circuit court of the county in which the violation occurred or in which the person resides or has its principal place of business, and may apply in that court for such temporary and permanent orders as the department considers necessary to restrain the person from engaging in any such activities until the person complies with *this*

part ss. 499.001–499.081, the rules adopted under *this part those sections*, and the orders of the department authorized by *this part those sections* or to mandate compliance with *this part ss. 499.001–499.081*, the rules adopted under *this part those sections*, and any order or permit issued by the department under *this part those sections*.

(3) The department may impose an administrative fine, not to exceed \$5,000 per violation per day, for the violation of any provision of *this part ss. 499.001–499.081* or rules adopted under *this part those sections*. Each day a violation continues constitutes a separate violation, and each separate violation is subject to a separate fine. All amounts collected pursuant to this section shall be deposited into the Florida Drug, Device, and Cosmetic Trust Fund and are appropriated for the use of the department in administering *this part ss. 499.001–499.081*. In determining the amount of the fine to be levied for a violation, the department shall consider:

(a) The severity of the violation;

(b) Any actions taken by the person to correct the violation or to remedy complaints; and

(c) Any previous violations.

(4) The department shall deposit any rewards, fines, or collections that are due the department and which derive from joint enforcement activities with other state and federal agencies which relate to *this part ss. 499.001–499.081*, chapter 893, or the federal act, into the Florida Drug, Device, and Cosmetic Trust Fund. The proceeds of those rewards, fines, and collections are appropriated for the use of the department in administering *this part ss. 499.001–499.081*.

Section 36. Section 499.0661, Florida Statutes, is amended to read:

499.0661 Cease and desist orders; removal of certain persons.—

(1)(2) CEASE AND DESIST ORDERS.—

(a) In addition to any authority otherwise provided in this chapter, the department may issue and serve a complaint stating charges upon any permittee or upon any affiliated party, whenever the department has reasonable cause to believe that the person or individual named therein is engaging in or has engaged in conduct that is:

1. An act that demonstrates a lack of fitness or trustworthiness to engage in the business authorized under the permit issued pursuant to *this part ss. 499.001–499.081*, is hazardous to the public health, or constitutes business operations that are a detriment to the public health;

2. A violation of any provision of *this part ss. 499.001–499.081*;

3. A violation of any rule of the department;

4. A violation of any order of the department; or

5. A breach of any written agreement with the department.

(b) The complaint must contain a statement of facts and notice of opportunity for a hearing pursuant to ss. 120.569 and 120.57.

(c) If a hearing is not requested within the time allowed by ss. 120.569 and 120.57, or if a hearing is held and the department finds that any of the charges are proven, the department may enter an order directing the permittee or the affiliated party named in the complaint to cease and desist from engaging in the conduct complained of and take corrective action to remedy the effects of past improper conduct and assure future compliance.

(d) A contested or default cease and desist order is effective when reduced to writing and served upon the permittee or affiliated party named therein. An uncontested cease and desist order is effective as agreed.

(e) Whenever the department finds that conduct described in paragraph (a) is likely to cause an immediate threat to the public health, it may issue an emergency cease and desist order requiring the permittee or any affiliated party to immediately cease and desist from engaging in the conduct complained of and to take corrective and remedial action. The emergency order is effective immediately upon service of a copy of the order upon the permittee or affiliated party named therein and

remains effective for 90 days. If the department begins nonemergency cease and desist proceedings under this subsection, the emergency order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

(2)(3) REMOVAL OF AFFILIATED PARTIES BY THE DEPARTMENT.—

(a) The department may issue and serve a complaint stating charges upon any affiliated party and upon the permittee involved whenever the department has reason to believe that an affiliated party is engaging in or has engaged in conduct that constitutes:

1. An act that demonstrates a lack of fitness or trustworthiness to engage in the business authorized under the permit issued pursuant to *this part ss. 499.001-499.081*, is hazardous to the public health, or constitutes business operations that are a detriment to the public health;

2. A willful violation of *this part ss. 499.001-499.081*; however, if the violation constitutes a misdemeanor, a complaint may not be served as provided in this section until the affiliated party is notified in writing of the matter of the violation and has been afforded a reasonable period of time, as set forth in the notice, to correct the violation and has failed to do so;

3. A violation of any other law involving fraud or moral turpitude which constitutes a felony;

4. A willful violation of any rule of the department;

5. A willful violation of any order of the department; or

6. A material misrepresentation of fact, made knowingly and willfully or made with reckless disregard for the truth of the matter.

(b) The complaint must contain a statement of facts and notice of opportunity for a hearing pursuant to ss. 120.569 and 120.57.

(c) If a hearing is not requested within the time allotted by ss. 120.569 and 120.57, or if a hearing is held and the department finds that any of the charges in the complaint are proven true, the department may enter an order removing the affiliated party or restricting or prohibiting participation by the person in the affairs of that permittee or of any other permittee.

(d) A contested or default order of removal, restriction, or prohibition is effective when reduced to writing and served on the permittee and the affiliated party. An uncontested order of removal, restriction, or prohibition is effective as agreed.

(e)1. The chief executive officer, designated representative, or the person holding the equivalent office, of a permittee shall promptly notify the department if she or he has actual knowledge that any affiliated party is charged with a felony in a state or federal court.

2. Whenever any affiliated party is charged with a felony in a state or federal court or with the equivalent of a felony in the courts of any foreign country with which the United States maintains diplomatic relations, and the charge alleges violation of any law involving prescription drugs, pharmaceuticals, fraud, theft, or moral turpitude, the department may enter an emergency order suspending the affiliated party or restricting or prohibiting participation by the affiliated party in the affairs of the particular permittee or of any other permittee upon service of the order upon the permittee and the affiliated party charged. The order must contain notice of opportunity for a hearing pursuant to ss. 120.569 and 120.57, where the affiliated party may request a postsuspension hearing to show that continued service to or participation in the affairs of the permittee does not pose a threat to the public health or the interests of the permittee and does not threaten to impair public confidence in the permittee. In accordance with applicable departmental rules, the department shall notify the affiliated party whether the order suspending or prohibiting the person from participation in the affairs of a permittee will be rescinded or otherwise modified. The emergency order remains in effect, unless otherwise modified by the department, until the criminal charge is disposed of. The acquittal of the person charged, or the final, unappealed dismissal of all charges against the person, dissolves the emergency order but does not prohibit the department from instituting proceedings under paragraph (a). If the person charged is convicted or pleads guilty or nolo contendere, whether or not

an adjudication of guilt is entered by the court, the emergency order shall become final.

(f) Any affiliated party removed pursuant to this section is not eligible for reemployment by the permittee or to be an affiliated party of any permittee except upon the written consent of the department. Any affiliated party who is removed, restricted, or prohibited from participating in the affairs of a permittee pursuant to this section may petition the department for modification or termination of the removal, restriction, or prohibition.

Section 37. Section 499.067, Florida Statutes, is amended to read:

499.067 Denial, suspension, or revocation of permit, certification, or registration.—

(1)(a) The department may deny, suspend, or revoke a permit if it finds that there has been a substantial failure to comply with *this part ss. 499.001-499.081* or chapter 465, chapter 501, or chapter 893, the rules adopted under *this part any of those sections* or *those* chapters, any final order of the department, or applicable federal laws or regulations or other state laws or rules governing drugs, devices, or cosmetics.

(b) The department may deny an application for a permit or certification, or suspend or revoke a permit or certification, if the department finds that:

1. The applicant is not of good moral character or that it would be a danger or not in the best interest of the public health, safety, and welfare if the applicant were issued a permit or certification.

2. The applicant has not met the requirements for the permit or certification.

3. The applicant is not eligible for a permit or certification for any of the reasons enumerated in s. 499.012 ~~s. 499.01 or s. 499.012(5)~~.

4. The applicant, permittee, or person certified under s. 499.012(16) ~~s. 499.012(11)~~ demonstrates any of the conditions enumerated in s. 499.012 ~~s. 499.01 or s. 499.012(5)~~.

5. The applicant, permittee, or person certified under s. 499.012(16) ~~s. 499.012(11)~~ has committed any violation of ss. 499.005-499.0054.

(2) The department may deny, suspend, or revoke any registration required by the provisions of *this part ss. 499.001-499.081* for the violation of any provision of *this part ss. 499.001-499.081* or of any rules adopted under *this part those sections*.

(3) The department may revoke or suspend a permit:

(a) If the permit was obtained by misrepresentation or fraud or through a mistake of the department;

(b) If the permit was procured, or attempted to be procured, for any other person by making or causing to be made any false representation; or

(c) If the permittee has violated any provision of *this part ss. 499.001-499.081* or rules adopted under *this part those sections*.

(4) If any permit issued under *this part ss. 499.001-499.081* is revoked or suspended, the owner, manager, operator, or proprietor of the establishment shall cease to operate as the permit authorized, from the effective date of the suspension or revocation until the person is again registered with the department and possesses the required permit. If a permit is revoked or suspended, the owner, manager, or proprietor shall remove all signs and symbols that identify the operation as premises permitted as a drug wholesaling establishment; drug, device, or cosmetic manufacturing establishment; or retail establishment. The department shall determine the length of time for which the permit is to be suspended. If a permit is revoked, the person that owns or operates the establishment may not apply for any permit under *this part ss. 499.001-499.081* for a period of 1 year after the date of the revocation. A revocation of a permit may be permanent if the department considers that to be in the best interest of the public health.

(5) The department may deny, suspend, or revoke a permit issued under *this part ss. 499.001-499.081* which authorizes the permittee to purchase prescription drugs; if any owner, officer, employee, or other

person who participates in administering or operating the establishment has been found guilty of any violation of *this part ss. 499.001-499.081* or chapter 465, chapter 501, or chapter 893, any rules adopted under *this part* ~~any of those sections~~ or those chapters, or any federal or state drug law, regardless of whether the person has been pardoned, had her or his civil rights restored, or had adjudication withheld.

(6) The department shall deny, suspend, or revoke the permit of any person or establishment if the assignment, sale, transfer, or lease of an establishment permitted under *this part ss. 499.001-499.081* will avoid an administrative penalty, civil action, or criminal prosecution.

(7) Notwithstanding s. 120.60(5), if a permittee fails to comply with s. 499.012(6) ~~s. 499.01(7)~~, the department may revoke the permit of the permittee and shall provide notice of the intended agency action by posting a notice at the department's headquarters and by mailing a copy of the notice of intended agency action by certified mail to the most recent mailing address on record with the department and, if the permittee is not a natural person, to the permittee's registered agent on file with the Department of State.

Section 38. Paragraph (a) of subsection (1) of section 409.9201, Florida Statutes, is amended to read:

409.9201 Medicaid fraud.—

(1) As used in this section, the term:

(a) “*Prescription Legend drug*” means any drug, including, but not limited to, finished dosage forms or active ingredients that are subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or by s. 465.003(8), s. 499.007(13) ~~s. 499.007(12)~~, or s. 499.003(45) or (52) ~~s. 499.0122(1)(b) or (c)~~.

The value of individual items of the legend drugs or goods or services involved in distinct transactions committed during a single scheme or course of conduct, whether involving a single person or several persons, may be aggregated when determining the punishment for the offense.

Section 39. Paragraph (c) of subsection (9) of section 460.403, Florida Statutes, is amended to read:

460.403 Definitions.—As used in this chapter, the term:

(9)

(c)1. Chiropractic physicians may adjust, manipulate, or treat the human body by manual, mechanical, electrical, or natural methods; by the use of physical means or physiotherapy, including light, heat, water, or exercise; by the use of acupuncture; or by the administration of foods, food concentrates, food extracts, and items for which a prescription is not required and may apply first aid and hygiene, but chiropractic physicians are expressly prohibited from prescribing or administering to any person any legend drug except as authorized under subparagraph 2., from performing any surgery except as stated herein, or from practicing obstetrics.

2. Notwithstanding the prohibition against prescribing and administering legend drugs under subparagraph 1., or s. 499.012(2)(m) ~~s. 499.0122~~, pursuant to board rule chiropractic physicians may order, store, and administer, for emergency purposes only at the chiropractic physician's office or place of business, prescription medical oxygen and may also order, store, and administer the following topical anesthetics in aerosol form:

a. Any solution consisting of 25 percent ethylchloride and 75 percent dichlorodifluoromethane.

b. Any solution consisting of 15 percent dichlorodifluoromethane and 85 percent trichloromonofluoromethane.

However, this paragraph does not authorize a chiropractic physician to prescribe medical oxygen as defined in chapter 499.

Section 40. Subsection (3) of section 465.0265, Florida Statutes, is amended to read:

465.0265 Centralized prescription filling.—

(3) The filling, delivery, and return of a prescription by one pharmacy for another pursuant to this section shall not be construed as the

filling of a transferred prescription as set forth in s. 465.026 or as a wholesale distribution as set forth in s. 499.003(53) ~~s. 499.012(1)(a)~~.

Section 41. Section 794.075, Florida Statutes, is amended to read:

794.075 Sexual predators; erectile dysfunction drugs.—

(1) A person may not possess a prescription drug, as defined in s. 499.003(42) ~~s. 499.003(25)~~, for the purpose of treating erectile dysfunction if the person is designated as a sexual predator under s. 775.21.

(2) A person who violates a provision of this section for the first time commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates a provision of this section a second or subsequent time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 42. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) “Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
3. Section 409.920 or s. 409.9201, relating to Medicaid fraud.
4. Section 414.39, relating to public assistance fraud.
5. Section 440.105 or s. 440.106, relating to workers' compensation.
6. Section 443.071(4), relating to creation of a fictitious employer scheme to commit unemployment compensation fraud.
7. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.
8. ~~Section 499.0051 Sections 499.0051, 499.0052, 499.00535, 499.00545, and 499.0691~~, relating to crimes involving contraband and adulterated drugs.
9. Part IV of chapter 501, relating to telemarketing.
10. Chapter 517, relating to sale of securities and investor protection.
11. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
12. Chapter 550, relating to jai alai frontons.
13. Section 551.109, relating to slot machine gaming.
14. Chapter 552, relating to the manufacture, distribution, and use of explosives.
15. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.
16. Chapter 562, relating to beverage law enforcement.
17. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
18. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.
19. Chapter 687, relating to interest and usurious practices.
20. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

	Florida Statute	Felony Degree	Description
21. Chapter 782, relating to homicide.			
22. Chapter 784, relating to assault and battery.			
23. Chapter 787, relating to kidnapping or human trafficking.	499.0051(6)	2nd	<i>Knowing</i> sale or delivery, or possession with intent to sell, contraband <i>prescription</i> legend drugs.
24. Chapter 790, relating to weapons and firearms.	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
26. Chapter 806, relating to arson.	784.075	3rd	Battery on detention or commitment facility staff.
27. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
28. Chapter 812, relating to theft, robbery, and related crimes.	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
29. Chapter 815, relating to computer-related crimes.	784.081(3)	3rd	Battery on specified official or employee.
30. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
31. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.	784.083(3) 784.085	3rd 3rd	Battery on code inspector. Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
32. Section 827.071, relating to commercial sexual exploitation of children.	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
33. Chapter 831, relating to forgery and counterfeiting.			
34. Chapter 832, relating to issuance of worthless checks and drafts.	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
35. Section 836.05, relating to extortion.	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
36. Chapter 837, relating to perjury.			
37. Chapter 838, relating to bribery and misuse of public office.	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
38. Chapter 843, relating to obstruction of justice.	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.	790.115(2)(c)	3rd	Possessing firearm on school property.
40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.	800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
41. Chapter 874, relating to criminal street gangs.	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
42. Chapter 893, relating to drug abuse prevention and control.	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
43. Chapter 896, relating to offenses related to financial transactions.	810.06	3rd	Burglary; possession of tools.
44. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
45. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.	812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
Section 43. Paragraphs (d), (f), (h), (i), and (j) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
921.0022 Criminal Punishment Code; offense severity ranking chart.—	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
(3) OFFENSE SEVERITY RANKING CHART			
(d) LEVEL 4	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
Florida Statute	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
316.1935(3)(a)	837.02(1)	3rd	Perjury in official proceedings.
	837.021(1)	3rd	Make contradictory statements in official proceedings.
499.0051(1)	838.022	3rd	Official misconduct.
499.0051(2)	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.	794.05(1)	2nd	Unlawful sexual activity with specified minor.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
914.14(2)	3rd	Witnesses accepting bribes.	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
918.12	3rd	Tampering with jurors.	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
(f) LEVEL 6			812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
Florida Statute	Felony Degree	Description	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
499.0051(3)	2nd	<i>Knowing</i> forgery of pedigree papers.	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
499.0051(4)	2nd	<i>Knowing</i> purchase or receipt of prescription legend drug from unauthorized person.	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
499.0051(5)	2nd	<i>Knowing</i> sale or transfer of prescription legend drug to unauthorized person.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
775.0875(1)	3rd	Taking firearm from law enforcement officer.	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	827.03(1)	3rd	Abuse of a child.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	827.03(3)(c)	3rd	Neglect of a child.
784.041	3rd	Felony battery; domestic battery by strangulation.	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
784.048(3)	3rd	Aggravated stalking; credible threat.	836.05	2nd	Threats; extortion.
784.048(5)	3rd	Aggravated stalking of person under 16.	836.10	2nd	Written threats to kill or do bodily injury.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	843.12	3rd	Aids or assists person to escape.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
784.081(2)	2nd	Aggravated assault on specified official or employee.	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	944.40	2nd	Escapes.
784.083(2)	2nd	Aggravated assault on code inspector.	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.			
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.			

(h) LEVEL 8			Florida Statute	Felony Degree	Description
Florida Statute	Felony Degree	Description			
			825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
316.193(3)(c)3.a.	2nd	DUI manslaughter.	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.			
499.0051(8) 499.0051(7)	1st	<i>Knowing</i> forgery of prescription labels or prescription legend drug labels.	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
499.0051(7) 499.0052	1st	<i>Knowing</i> trafficking in contraband prescription legend drugs.	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.	860.16	1st	Aircraft piracy.
			893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
			893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
777.03(2)(a)	1st	Accessory after the fact, capital felony.	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
			893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
			893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
800.04(4)	2nd	Lewd or lascivious battery.			
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
810.02(2)(a)	1st, PBL	Burglary with assault or battery.	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.			
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
812.13(2)(b)	1st	Robbery with a weapon.			
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.			

(i) LEVEL 9

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
			817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.			
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.			
499.0051(9) 499.00535	1st	<i>Knowing</i> sale or purchase of contraband prescription legend drugs resulting in great bodily harm.	827.03(2) 847.0145(1)	1st 1st	Aggravated child abuse. Selling, or otherwise transferring custody or control, of a minor.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	893.135	1st	Attempted capital trafficking offense.
775.0844	1st	Aggravated white collar crime.	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.	893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.	893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
790.161	1st	Attempted capital destructive device offense.	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.	(j) LEVEL 10		
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.	Florida Statute	Felony Degree	Description
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.	499.0051(10) 499.00545	1st	<i>Knowing</i> sale or purchase of contraband prescription legend drugs resulting in death.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.	782.04(2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.	787.01(1)(a)3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.	787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.	782.07(3)	1st	Aggravated manslaughter of a child.
812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.	794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
812.135(2)(b)	1st	Home-invasion robbery with weapon.	812.135(2)(a)	1st, PBL	Home-invasion robbery with firearm or other deadly weapon.
			876.32	1st	Treason against the state.

Section 44. This act shall take effect July 1, 2008.
And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to drugs, devices, and cosmetics; amending and reorganizing provisions in part I of ch. 499, F.S.; amending s. 499.002, F.S.; expanding the provisions of the section to include administration and enforcement of, exemptions from, and purpose of the part; amending and redesignating ss. 499.004, 499.0053, 499.07, 499.071, and 499.081, F.S., as provisions in that section relating to such functions to conform; amending s. 499.003, F.S.; revising and providing definitions; amending and redesignating provisions in ss. 499.012, 499.029, and 499.0661, F.S., relating to definitions, as provisions of that section; amending s. 499.005, F.S.; conforming provisions to changes made by the act, including the substitution of the term "prescription drug" for the term "legend drug"; amending s. 499.0051, F.S.; substituting the term "prescription drug" for the term "legend drug" with regard to criminal acts; consolidating criminal act provisions of part I of ch. 499, F.S.; amending and redesignating ss. 499.0052, 499.00535, 499.00545, 499.069, and 499.0691, F.S., as criminal offense provisions in that section; providing penalties; conforming provisions to changes made by the act; amending s. 499.0054, F.S., relating to advertising and labeling of drugs, devices, and cosmetics to include certain exemptions; amending and redesignating ss. 499.0055 and 499.0057, F.S., as provisions relating to those functions in that section; amending s. 499.006, F.S.; conforming provisions to changes made by the act; amending s. 499.007, F.S.; conforming provisions to changes made by the act; providing that a drug or device is misbranded if it is an active pharmaceutical ingredient in bulk form and does not bear a label containing certain information; amending ss. 499.008 and 499.009, F.S.; conforming provisions to changes made by the act; amending s. 499.01, F.S.; providing that the section relates only to permits; requiring a permit to operate as a third party logistics provider and a health care clinic establishment; providing requirements for obtaining a permit to operate in certain capacities; deleting certain permit requirements; providing an exemption for a nonresident prescription drug manufacturer permit; providing requirements for such exemption; providing requirements for a third party logistics provider permit and a health care clinic establishment permit; amending and redesignating provisions of ss. 499.013, and 499.014, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.012, F.S.; providing that the section relates to permit application requirements; providing that a separate establishment permit is not required when a permitted prescription drug wholesale distributor operates temporary transit storage facilities for the sole purpose of storage; amending the provisions to conform; amending and redesignating provisions of s. 499.01, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.01201, F.S.; conforming provisions to changes made by the act; amending s. 499.0121, F.S., relating to storage and handling of prescription drugs and recordkeeping; directing the department to adopt rules requiring a wholesale distributor to maintain pedigree papers separate and distinct from other required records; deleting a requirement that a person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug provide a pedigree paper to the person who receives the drug; deleting the department's requirement to adopt rules with regard to recordkeeping by affiliated groups; conforming provisions and cross-references to changes made by the act; amending and redesignating a provision of s. 499.013, F.S., relating to such functions as a provision of that section; amending s. 499.01211, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 499.01212, F.S.; requiring a person who is engaged in the wholesale distribution of a prescription drug to provide a pedigree paper to the person who receives the drug; requiring certain information in a pedigree paper; requiring a wholesale distributor to maintain and make available to the department certain information; providing exceptions to the requirement of a pedigree paper; repealing s. 499.0122, F.S., relating to medical oxygen and veterinary legend drug retail establishments; repealing s. 499.013, F.S., relating to manufacturers and repackagers of drugs, devices, and cosmetics; amending ss. 499.015, 499.024, 499.028, 499.029, and 499.03, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 499.032 and 499.033, F.S.; conforming terminology to changes made by the act; amending s. 499.039, F.S.; conforming a provision and cross-reference; amending ss. 499.04, F.S.; conforming provisions to changes made by the act; amending s. 499.041, F.S.; conforming provisions to changes made by the act; requiring the department to assess an annual fee for a third part logistic provider permit and a health care clinic establishment permit; amending s. 499.05, F.S.; conforming provisions to changes made by the act; requiring the department to adopt rules with regard to procedures and forms relating to pedigree paper requirements,

alternatives to compliance with the requirement of certain pedigree papers, and the return of prescription drugs purchased before a specified date; amending and redesignating provisions of ss. 499.013 and 499.0122, F.S., as provisions relating to rulemaking functions of that section; amending ss. 499.051, 499.052, 499.055, and 499.06, F.S.; conforming provisions to changes made by the act; amending s. 499.062, F.S.; providing that the section relates to seizure and condemnation of drugs, devices, or cosmetics; conforming a provision to changes made by the act; amending and redesignating ss. 499.063 and 499.064, F.S., as provisions relating to such functions in that section; amending ss. 499.065, 499.066, 499.0661, and 499.067, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 409.9201, 460.403, 465.0265, 794.075, 895.02, and 921.0022, F.S.; conforming provisions to changes made by the act; conforming cross-references to changes made by the act; providing an effective date.

On motion by Senator Peaden, **HB 7049** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Dean	Lawson	Wilson
Deutch	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

SPECIAL ORDER CALENDAR

Consideration of **SB 2400** and **CS for HB 257** was deferred.

By Senator Constantine—

CS for CS for SB 318—A bill to be entitled An act relating to exceptional students with a disability; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify a school district under certain circumstances; requiring the review of a student's individual educational plan; providing for a determination of responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education and the Agency for Persons with Disabilities to adopt rules; requiring certain agencies to implement procedures; requiring a cooperative agreement; providing an exception; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (877916)—Delete line(s) 80-87 and insert:

2. *The State Board of Education shall adopt the procedures by rule pursuant to ss. 120.536(1) and 120.54 and the agencies shall implement the procedures.*

3. *A residential care facility that is licensed by the Agency for Persons with Disabilities shall provide written notification to school districts when an exceptional student is placed in the residential care facility.*

Pursuant to Rule 4.19, **CS for CS for SB 318** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 482** was deferred.

On motion by Senator Crist, by two-thirds vote **CS for HB 739** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

On motion by Senator Crist, by two-thirds vote—

CS for HB 739—A bill to be entitled An act relating to guardian advocates for persons with developmental disabilities; amending s. 393.12, F.S.; requiring the court to conduct determination of incapacity of persons with developmental disabilities and appointment of guardian advocates in separate proceedings; revising conditions relating to venue for appointment of guardian advocates; providing that the guardian advocate need not be represented by an attorney unless required by the court or the guardian advocate is delegated certain rights regarding property; limiting applicability to certain proceedings relating to appointment and supervision of guardian advocates; requiring the petition to include the relationship of the proposed guardian advocate to certain providers; modifying the persons to whom a notice of the filing of the petition must be given to include next of kin, the health care surrogate designated to execute an advance directive, and the agent under durable power of attorney; removing a provision requiring the inclusion of certain information relating to the right to be represented by counsel in the notice of the filing of the petition; establishing a timeframe for appointment of counsel and modifying who may be appointed as counsel to a person with a developmental disability; providing conditions for the court to appoint attorneys; requiring court proceedings and orders to consider advance directives for health care and durable powers of attorney; requiring the court's order to provide the name and reasons for the selection of the guardian advocate; providing a process for restoration of rights for the person with a developmental disability; providing for the petitioner to submit evidentiary support to the court; providing for a hearing if no evidentiary support is available; amending s. 393.13, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 688** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 739** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for CS for SB 802—A bill to be entitled An act relating to operating a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding the operation of a motor vehicle; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 318.14, F.S.; providing additional penalties for certain offenses involving the operation of a motorcycle or excessive speed; providing for revocation of the person's privilege to operate a motor vehicle; creating s. 318.195, F.S.; providing that a person who is convicted of a moving violation that causes or contributes to causing serious injury to or the death of a person riding a motorcycle commits a misdemeanor offense; requiring that the offender pay a specified fine, serve a minimum of period of incarceration, and attend a driver improvement course; requiring the court to revoke the person's driver's license for a specified period; providing criminal penalties; providing that the act does not prohibit the offender from being charged with, convicted of, or punished for any other violation of law; providing an effective date.

—which was previously considered April 24. Pending **Amendment 1 (456412)** by Senator Crist was withdrawn.

Pending further consideration of **CS for CS for CS for SB 802**, on motion by Senator Garcia, by two-thirds vote **CS for HB 137** was withdrawn from the Committees on Transportation and Economic Development Appropriations; Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Garcia, the rules were waived and—

CS for HB 137—A bill to be entitled An act relating to operating a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding motor vehicle operation; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 318.14, F.S.; providing additional penalties for certain offenses; providing for a specified fine and revocation of the person's privilege to operate a motor vehicle; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 802** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 137** was placed on the calendar of Bills on Third Reading.

By Senator Wise—

CS for CS for CS for SB 996—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and revising definitions; redefining "cosmetology" to include specified services and exclude artificial nails and use of certain skin treatments; defining "hair stylist," "esthetician," and "nail technician"; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for cosmetologists, hair stylists, estheticians, and nail technicians; amending s. 477.0132, F.S.; authorizing renewal of current body wrapping registrations; increasing length of required course; specifying that only the Board of Cosmetology may review, evaluate, and approve required course and text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.016, F.S.; requiring the Board of Cosmetology to adopt rules relating to protection of health of clients, nail technicians, and estheticians; amending s. 477.019, F.S.; revising qualifications, education, licensure and renewal, supervised practice, and endorsement requirements to include and differentiate such requirements for cosmetologists, hair stylists, estheticians, and nail technicians; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing certain grooming and salon services certification; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to require specialties that are currently licensed to pay a fee commensurate with prior registration fees; revising fee provisions to conform with other changes made by the act; amending s. 477.0263, F.S.; specifying circumstances under which cosmetology, hair stylist, esthetician, nail technician, or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; prohibiting the use or possession of a device containing a razor blade to remove, scrape, or cut calluses from the hands or feet; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties; conforming provisions; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; requiring a report to the Legislature on the use of a national examination for certain licenses in order to improve reciprocity with other states; providing an appropriation; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 996** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis, by two-thirds vote **CS for HB 743** was withdrawn from the Committees on Community Affairs; Criminal Justice; Judiciary; and Finance and Tax.

On motion by Senator Margolis—

CS for HB 743—A bill to be entitled An act relating to mortgage fraud; creating s. 193.133, F.S.; requiring law enforcement agencies to notify property appraisers of incidents of mortgage fraud under certain circumstances; authorizing property appraisers to adjust property assessments under certain circumstances; requiring property appraisers to reassess certain properties under certain circumstances; amending s. 817.545, F.S.; providing an increased penalty for certain types of mortgage fraud; providing an effective date.

—a companion measure, was substituted for **CS for SB 1116** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 743** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **CS for HB 799** was withdrawn from the Committees on Communications and Public Utilities; Commerce; Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Dean—

CS for HB 799—A bill to be entitled An act relating to the theft of copper or other nonferrous metals; creating s. 812.145, F.S.; providing definitions; providing that it is a felony of the first degree to knowingly and intentionally take copper or other nonferrous metal from a utility or communications services provider, thereby causing damage to the facilities of a utility or communications services provider or interrupting or interfering with utility or communications services; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 1384** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 799** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1440** was deferred.

CS for CS for SB 1458—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; requiring school breakfast programs in middle and high schools; providing procedures for school breakfast programs; specifying requirements for setting prices of breakfast meals; requiring district school boards to consider policies for the provision of universal-free school breakfast meals in certain schools; requiring information to be communicated to students and parents; clarifying the allocation of funds for school breakfast programs; directing the Office of Program Policy Analysis and Government Accountability to submit a report on school district food service programs; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1458** to **CS for HB 623**.

Pending further consideration of **CS for CS for SB 1458** as amended, on motion by Senator Wise, by two-thirds vote **CS for HB 623** was withdrawn from the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; and Education Pre-K - 12 Appropriations.

On motion by Senator Wise—

CS for HB 623—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; requiring school breakfast programs in middle and high schools; providing procedures for school breakfast programs; specifying requirements for setting prices of breakfast meals; requiring district school boards to consider policies for the provision of universal-free school breakfast meals in certain schools; requiring information to be communicated to students and parents; clarifying the allocation of funds for school breakfast programs; directing the Office of Program Policy Analysis and Government Accountability to submit a report on school district food service programs; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1458** as amended and read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (345358)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 1006.06, Florida Statutes, is amended to read:

1006.06 School food service programs.—

(5)(a) Each district school board shall implement school breakfast programs ~~in all elementary schools that make breakfast meals available to all students in kindergarten through grade 6 in each district school, unless the elementary school. By the beginning of the 2010-2011 school year, the school breakfast programs shall make breakfast meals available to all students in each elementary, middle, and high school. Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program goes only through grade 5, in which case the requirement shall apply only through grade 5. Each district school board shall implement breakfast programs in all elementary schools in which students are eligible for free and reduced-price lunch meals, to the extent specifically funded in the General Appropriations Act.~~

(b) Beginning with the 2009-2010 school year, each school district must annually set prices for breakfast meals at rates that, combined with federal reimbursements, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds, except if the district school board approves lower rates.

(c) Each district school board is encouraged to provide universal-free school breakfast meals to all students in each elementary, middle, and high school. By the beginning of the 2010-2011 school year, each district school board shall approve or disapprove a policy, after receiving public testimony concerning the proposed policy at two or more regular meetings, which makes universal-free school breakfast meals available to all students in each elementary, middle, and high school in which 80 percent or more of the students are eligible for free or reduced-price meals.

(d) Beginning with the 2009-2010 school year, each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the school bus less than 15 minutes before the first bell rings and shall allow the student at least 15 minutes to eat the breakfast.

(e) Each school district shall annually provide to all students in each elementary, middle, and high school information prepared by the district's food service administration regarding its school breakfast programs. The information shall be communicated through school announcements and written notice sent to all parents.

(f) A district school board may operate a breakfast program providing for food preparation at the school site or in central locations with distribution to designated satellite schools or any combination thereof.

(g)(b) The commissioner shall make every reasonable effort to ensure that any school designated a "severe need school" receives the highest rate of reimbursement to which it is entitled under pursuant to 42 U.S.C. s. 1773 for each free and reduced-price breakfast meal served.

(h)(e) The department shall annually allocate among the school districts funds provided from the calculate and distribute a school district breakfast supplement for each school year by multiplying the state breakfast rate as specified in the General Appropriations Act based on each district's total by the number of free and reduced-price reduced price breakfast meals served.

(d) The Legislature shall provide sufficient funds in the General Appropriations Act to reimburse participating school districts for the difference between the average federal reimbursement for free and reduced-price breakfasts and the average statewide cost for breakfasts.

Section 2. (1) The Office of Program Policy Analysis and Government Accountability, by January 15, 2009, shall submit a report to the

Governor, the President of the Senate, the Speaker of the House of Representatives, the members of the State Board of Education, and the Commissioner of Education on school district food service programs. The report shall:

(a) Estimate the district-by-district cost if each school district implements a universal-free school breakfast program in all elementary, middle, and high schools. The estimate shall consider the marginal costs per breakfast meal, anticipated increases in student participation rates, expected reductions in the marginal costs per breakfast meal which result from increased economies of scale, offsetting federal reimbursements, impact on the marginal costs per breakfast meal of limiting participation in a universal-free school breakfast program to schools having various percentages of students eligible for free or reduced-price meals, and impact on student participation rates and marginal costs per breakfast meal of alternatives to serving meals in school cafeterias. The estimate shall also consider the experiences of specific Florida schools and school districts implementing a universal-free school breakfast program.

(b) Determine the extent to which school district food service programs are fiscally self-sufficient or require financial support from other district operating funds.

(c) Examine for at least the previous 5 years the prices that school food service programs charged for meals, the frequency of price-level increases, and the relationship between increases in the costs per meal and price-level increases.

(d) Identify best practices for the efficient and effective operation of school district food service programs, which shall include strategies for a school district to reduce the costs of its food service programs without sacrificing the nutritional value of meals, including, but not limited to, the use of alternatives to the daily counting of meals at the point of service which are authorized under 7 C.F.R. s. 210.7(c)(2).

(e) Evaluate the methodology and forms used for school district food service programs to report their revenues and expenditures to the Department of Education. The evaluation shall assess whether the forms require food service programs to accurately report their total operating costs, including, but not limited to, food, labor, equipment, utilities, janitorial services, overhead, and indirect costs; whether the calculations submitted on the forms accurately report the average costs per meal; and whether information obtained from the forms as submitted to the department allows an equitable district-by-district comparison of the average costs per meal.

(f) Assess the methodology used to allocate funds provided in the General Appropriations Act for school district food service programs and the extent to which the allocation methodology creates incentives for the fiscal efficiency of the food service programs.

(g) Evaluate the organizational structure of the state for, and the state implementation and programmatic management of, federal programs administered by the Food and Nutrition Service of the United States Department of Agriculture, including, but not limited to, the National School Lunch Program, the federal School Breakfast Program, and the federal Summer Food Service Program.

(2) The Office of Program Policy Analysis and Government Accountability shall consult with staff of the education committees of the Senate and House of Representatives, the Department of Education, the Department of Agriculture and Consumer Services, and the Auditor General concerning the research design for the report.

Section 3. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; requiring school breakfast programs in middle and high schools; providing procedures for school breakfast programs; specifying requirements for setting prices of breakfast meals; requiring district school boards to consider policies for the provision of universal-free school breakfast meals in certain schools; requiring information to be communicated to students and parents; clarifying the allocation of funds for school breakfast programs; directing the Office of Program Policy Analysis and Government Accountability to submit a report on school district food service programs; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 623** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1490** was deferred.

CS for SB 1492—A bill to be entitled An act relating to a discretionary surtax; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending the date of repeal of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 201.031, F.S.; requiring each county that levies the discretionary surtax to prepare an annual financial report showing the revenues and the expenses of the trust fund for the fiscal year, to retain an independent outside auditor to conduct a financial audit of surtax revenues and expenditures, to adopt by resolution of its governing body a housing plan every 3 years, and to require by resolution that the staff or entity that has administrative authority for implementing the housing plan to prepare and submit to the county's governing body an annual report; limiting to a maximum of 10 percent the portion of the surtax revenues which may be used for administrative costs; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment:

Amendment 1 (636396)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 3 of chapter 83-220, Laws of Florida, as amended by section 1 of chapter 84-270, Laws of Florida, and section 1 of chapter 89-252, Laws of Florida, is amended to read:

Section 3. Sections 1 and 2 of chapter 83-220, Laws of Florida, as amended by this act, are repealed effective October 1, 2031 ~~2011~~.

Section 2. Subsections (4), (5), (6), (7), and (8) are added to section 125.0167, Florida Statutes, to read:

125.0167 Discretionary surtax on documents; adoption; application of revenue.—

(4) No more than 10 percent of surtax revenues collected by the Department of Revenue and remitted to the county in any fiscal year may be used for administrative costs.

(5)(a) Notwithstanding the provisions of subsection (3), no less than 50 percent of the revenues collected in the Housing Assistance Loan Trust Fund shall be used to provide homeownership assistance for low-income and moderate-income families. At least 10 percent of the funds specified in this paragraph shall be used for down payment assistance.

(b) For purposes of this subsection, the term “homeownership assistance” means assisting low-income and moderate-income families in purchasing a home as their primary residence, including, but not limited to, reducing the cost of the home with below-market construction financing, the amount of down payment and closing costs paid by the borrower, or the mortgage payment to an affordable amount for the purchaser or using any other financial assistance measure set forth in s. 420.5088.

(6) Rehabilitation of housing owned by a recipient government shall only be authorized after an affirmative vote of the governing body that no other sources of funds are available.

(7)(a) The governing body of each county as defined in s. 125.011(1) may by county ordinance and pursuant to procedures and requirements provided by such ordinance create a housing choice assistance voucher program.

(b) For purposes of this subsection, the term:

1. “Housing choice assistance voucher” means the document used to access assistance paid by the county from the discretionary surtax balance in the Housing Assistance Trust Fund to a prospective purchaser of a single-family residence which must be the purchaser's homestead.

2. “Purchasing employer” means a business or business entity that has acquired real property within the county and paid the surtax due as a result of the acquisition of that property pursuant to this section.

(c) *Housing choice assistance vouchers shall be used for down payment assistance:*

1. *For the purchase of a single-family residence within the county.*
2. *By low-income or moderate-income persons who are:*
 - a. *Actively employed by the purchasing employer or by a business entity directly affiliated with the purchasing employer; and*
 - b. *Prequalified for a mortgage loan by a certified lending institution.*

(d) *Upon payment of the discretionary surtax pursuant to this section, the purchasing employer may file for an allocation for housing choice assistance vouchers from the county in an amount not to exceed 50 percent of the amount of the discretionary surtax paid. The purchasing employer shall distribute the allocation to employees in the form of housing choice assistance vouchers pursuant to rules and procedures established for the program.*

(e) *Any housing choice assistance voucher allocation not distributed to employees and redeemed by an employee within 1 year after the date the discretionary surtax is paid may not be used for housing choice assistance vouchers under this subsection.*

(f) *Any housing assistance paid pursuant to the housing choice assistance voucher program shall be included in the calculation determining the percentage of discretionary surtax funds used for homeownership purposes during the year in which the surtax funds for such purposes are expended.*

Section 3. Section 201.031, Florida Statutes, is amended to read:

201.031 Discretionary surtax; administration and collection; Housing Assistance Loan Trust Fund; reporting requirements.—

(1) Each county, as defined by s. 125.011(1), may levy, subject to the provisions of s. 125.0167, a discretionary surtax on documents taxable under the provisions of s. 201.02, except that there shall be no surtax on any document pursuant to which the interest granted, assigned, transferred, or conveyed involves only a single-family residence. *The Such* single-family residence may be a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.

(2) All provisions of chapter 201, except s. 201.15, ~~shall~~ apply to the surtax. The Department of Revenue shall pay to the governing authority of the county which levies the surtax all taxes, penalties, and interest collected under this section less any costs of administration.

(3) Each county *that* ~~which~~ levies the surtax shall:

(a) Include in the financial report required under s. 218.32 information showing the revenues and the expenses of the trust fund for the fiscal year.

(b) *Adopt a housing plan every 3 years that includes provisions substantially similar to the plans required in s. 420.9075(1).*

(c) *Have adopted an affordable housing element of its comprehensive land use plan that complies with s. 163.3177(6)(f).*

(d) *Require by resolution that the staff or entity that has administrative authority for implementing the housing plan prepare and submit to the county's governing body an annual report substantially similar to the annual report required in s. 420.9075(10).*

(4) *Every 2 years after the effective date of this act, the Auditor General shall conduct an operational audit as defined in s. 11.45 of the discretionary surtax program operated by counties under s. 125.0167. The Auditor General shall provide a report of such audit to the President of the Senate and the Speaker of the House of Representatives.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to discretionary surtax on documents; amending

s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain governmentally owned housing; requiring certain remaining revenues to be used for down payment assistance; authorizing certain counties to create by ordinance a housing choice assistance voucher program; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; requiring the Auditor General to conduct a biennial operational audit of the discretionary surtax program operated by counties; requiring a report; providing an effective date.

On motion by Senator Margolis, further consideration of **CS for SB 1492** with pending **Amendment 1 (636396)** was deferred.

CS for SB 1604—A bill to be entitled An act relating to designations of state facilities; designating the Major Claude A. Gnann Memorial Highway and the Deputy Wayne Koester Memorial Highway in Lake County; designating Lt. Colonel Robert T. Heagy, Jr., Memorial Highway in Marion County; designating Cutler Bay Boulevard, Palmetto Bay Boulevard, American Legion Way, Honorable Robert B. Ingram, Ph.D., Boulevard, Father Emilio Vallina Avenue, and Bishop Victor Tyrone Curry Boulevard in Miami-Dade County; designating United States Army Specialist Brandon Tyler Thorsen Memorial Highway in Levy County; designating John E. Andrews Boulevard, George Matthews Boulevard, Angela Webb Hammonds Boulevard, Willie F. Faust Boulevard, and James H. Argrett, Sr., Avenue in Duval County; designating Veteran's Memorial Parkway in Sarasota County; designating a bridge in the city of Sarasota as Gil Waters Bridge; directing the Department of Transportation to erect suitable markers; designating the Joseph P. Bertrand Building in Fort Myers; authorizing the Department of Management Services to erect suitable markers; amending s. 589.19, F.S.; designating the state forest in Seminole County as the Charles H. Bronson State Forest; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendments to be considered:

Senator Baker moved the following amendments which were adopted:

Amendment 1 (091298)—Delete line(s) 97 and insert:

(1) *The portion of N.W. 135th Street between 7th Avenue*

Amendment 2 (207040)(with title amendment)—Between line(s) 203 and 204 insert:

Section 20. *Rolando Encinosa Road designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of SR 972/ SW 22nd Street between SW 22nd Avenue and SW 24th Avenue in Miami-Dade County is designated as "Rolando Encinosa Road."*

(2) *The Department of Transportation is directed to erect suitable markers designating Rolando Encinosa Road as described in subsection (1).*

Section 21. *Henry Levy Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of 71st Street between Collins Avenue and Bay Drive in the City of Miami Beach in Miami-Dade County is designated as "Henri Levy Boulevard."*

(2) *The Department of Transportation is directed to erect suitable markers designating Henri Levy Boulevard as described in subsection (1).*

Section 22. *Manuel Feijoo Avenue designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of S.W. 72nd Avenue between S.W. 21st Street and North Waterway Drive in Miami-Dade County is designated as “Manuel Feijoo Avenue.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Manuel Feijoo Avenue as described in subsection (1).*

Section 23. *All-America Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. Highway 1 between S.W. 80th Street and S.W. 57th Avenue in Miami-Dade County designated as “South Miami All-American Parkway” by chapter 2003-298, Laws of Florida, is redesignated as “All America Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers redesignating the South Miami All-American Parkway as All America Parkway as described in section (1).*

Section 24. *Katherine Fernandez Rundle Avenue designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of 12th Avenue between 8th Street S.W. and 64th Street N.W. in Miami-Dade County is designated as “Katherine Fernandez Rundle Avenue.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Katherine Fernandez Rundle Avenue as described in subsection (1).*

Section 25. *Judy Drucker Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of Biscayne Boulevard in Miami-Dade County between N.E. 13th Street and N.E. 14th Street is designated as “Judy Drucker Boulevard.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Judy Drucker Boulevard as described in subsection (1).*

Section 26. *Will James Johnson Road designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of State Road 976/S.W. 40th Street in Miami-Dade County from Hibiscus Street to Ohio Street is designated as “Will James Johnson Road.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Will James Johnson Road as described in subsection (1).*

Section 27. *Martha Flores Way designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of 8th Street in Miami-Dade County from SW 42nd Avenue to SW 47th Avenue is designated as “Martha Flores Way.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Martha Flores Way as described in subsection (1).*

Section 28. *Rabbi Barry Tabachnikoff Avenue designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of SW 87th Ave from SW 94th St to SW 95th Street is designated as “Rabbi Barry Tabachnikoff Avenue.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Rabbi Barry Tabachnikoff Avenue as described in subsection (1).*

Section 29. *Notwithstanding any provision of chapter 74-8 400, Laws of Florida, public funds may be used for the alteration of Old Cutler*

Road, between Southwest 136th Street and Southwest 184th Street, in the Village of Palmetto Bay.

(1) *The alteration may include the installation of sidewalks, curbing, and landscaping to enhance pedestrian access to the road.*

(2) *The official approval of the project by the Department of State must be obtained before any alteration is started.*

And the title is amended as follows:

Delete line(s) 23 and insert: Forest; designating Rolando Encinosa Road, Henry Levy Boulevard, Manuel Feijoo Avenue, All-America Parkway, Katherine Fernandez Rundle Avenue, Judy Drucker Boulevard, Will James Johnson Road, Martha Flores Way, and Rabbi Barry Tabachnikoff Avenue in Miami-Dade County; directing the Department of Transportation to erect suitable markers; authorizing certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; providing an effective date.

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment which was adopted:

Amendment 3 (858156)(with title amendment)—Between lines 170 and 171 insert:

Section 18. *Raquel Regalado Avenue designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of 27th Avenue in Miami-Dade County from Flagler to S.W. 5th Street is designated as “Raquel Regalado Avenue.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Raquel Regalado Avenue as described in subsection (1).*

And the title is amended as follows:

On line 17, after the semicolon (;) insert: designating Raquel Regalado Avenue in Miami-Dade County;

MOTION

On motion by Senator Wilson, the rules were waived to allow the following amendment to be considered:

Senator Wilson moved the following amendment:

Amendment 4 (245056)(with title amendment)—Between line(s) 177 and 178, insert:

Section 19. *Reverend Dr. C.P. Preston, Jr. Street designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of SR 934 on N.W. 79th Street between N.W. 7th Avenue and N.W. 37th Avenue in Miami-Dade County is designated as “Reverend Dr. C.P. Preston, Jr. Street.”*

(2) *The Department of Transportation is directed to erect suitable markers designating “Reverend Dr. C.P. Preston, Jr. Street” as described in subsection (1).*

And the title is amended as follows:

On line(s) 21, after the first semicolon (;) insert: designating Reverend Dr. C.P. Preston, Jr. Street in Miami-Dade County; authorizing the Department of Transportation to erect suitable markers;

On motion by Senator Baker, further consideration of **CS for SB 1604** with pending **Amendment 4 (245056)** was deferred.

Consideration of **CS for CS for CS for CS for SB 1670** was deferred.

On motion by Senator Jones, by two-thirds vote **CS for HB 1427** was withdrawn from the Committees on Environmental Preservation and Conservation; and Community Affairs.

On motion by Senator Jones, by two-thirds vote—

CS for HB 1427—A bill to be entitled An act relating to beach management; amending s. 161.142, F.S.; providing legislative intent and findings; providing requirements concerning the quality and quantity of dredged sand placed on certain beaches adjacent to inlets; requiring an estimation of the requisite quantity of beach-quality sand by the Department of Environmental Protection and its consultants; revising exemptions from certain permitting requirements and prohibitions for certain construction activities; requiring compliance with the applicable Florida Building Code; requiring the protection of nesting shorebirds and marine turtles; specifying requirements of certain ports concerning the placement of dredged sand on adjacent eroding beaches; authorizing such ports to sponsor or cosponsor inlet management projects that are fully eligible for state cost-sharing; providing requirements and findings concerning the placement of dredged sand from federal navigation projects; providing for assignment of responsibility for the erosion caused by inlets; specifying actions to be taken by the department in disputes between local governments and property owners concerning how much sand should bypass an inlet; creating s. 161.143, F.S.; requiring that inlet management studies, projects, and activities be supported by certain plans; providing criteria governing the department's ranking of inlet management projects and activities; specifying conditions that must be met; requiring that the department establish funding priorities for projects and activities concerning inlet management; providing for input from interested governmental and private entities; providing criteria for establishing priorities; authorizing funding levels for inlet management projects under specified conditions; requiring that the department annually provide an inlet management project list to the Legislature; providing requirements for the list; requiring that the department make available certain moneys for projects on the list; requiring that the department make available certain moneys for projects on other legislatively approved inlet management project lists; requiring that the Legislature designate a certain inlet project as "Inlet of the Year"; requiring the department to provide an annual report to the Legislature concerning the success of projects so designated; requiring rulemaking by the department; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1672** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1427** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, the Senate resumed consideration of—

CS for SB 1604—A bill to be entitled An act relating to designations of state facilities; designating the Major Claude A. Gnnan Memorial Highway and the Deputy Wayne Koester Memorial Highway in Lake County; designating Lt. Colonel Robert T. Heagy, Jr., Memorial Highway in Marion County; designating Cutler Bay Boulevard, Palmetto Bay Boulevard, American Legion Way, Honorable Robert B. Ingram, Ph.D., Boulevard, Father Emilio Vallina Avenue, and Bishop Victor Tyrone Curry Boulevard in Miami-Dade County; designating United States Army Specialist Brandon Tyler Thorsen Memorial Highway in Levy County; designating John E. Andrews Boulevard, George Matthews Boulevard, Angela Webb Hammonds Boulevard, Willie F. Faust Boulevard, and James H. Argrett, Sr., Avenue in Duval County; designating Veteran's Memorial Parkway in Sarasota County; designating a bridge in the city of Sarasota as Gil Waters Bridge; directing the Department of Transportation to erect suitable markers; designating the Joseph P. Bertrand Building in Fort Myers; authorizing the Department of Management Services to erect suitable markers; amending s. 589.19, F.S.; designating the state forest in Seminole County as the Charles H. Bronson State Forest; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 4 (245056)** by Senator Wilson was adopted.

Pursuant to Rule 4.19, **CS for SB 1604** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1752** and **CS for CS for SB 1914** was deferred.

On motion by Senator Rich, by two-thirds vote **HB 7075** was withdrawn from the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Rich, the rules were waived and—

HB 7075—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; revising definitions applicable to ch. 393, F.S., relating to persons with developmental disabilities; amending ss. 287.155, 393.064, 393.0651, 393.066, 393.135, 393.22, 393.23, 402.181, 402.22, 408.036, and 435.03, F.S.; conforming terminology to changes made by the act; amending s. 393.0657, F.S.; revising an exemption from certain requirements for refingerprinting and rescreening; amending s. 393.0673, F.S.; providing circumstances under which the Agency for Persons with Disabilities may deny, revoke, or suspend a license or impose a fine; amending s. 393.506, F.S.; authorizing direct service providers to administer a certain medication to clients with developmental disabilities; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 916.301, F.S.; clarifying provisions relating to court appointment of certain qualified experts to evaluate a defendant's mental condition; amending s. 916.302, F.S.; authorizing the sheriff to transport a defendant determined incompetent to proceed due to retardation or autism to county jail under certain conditions pending a court appearance at a competency hearing held within a specified period of time; providing an effective date.

—a companion measure, was substituted for **CS for SB 1954** and read the second time by title.

Pursuant to Rule 4.19, **HB 7075** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 961** was withdrawn from the Committees on Environmental Preservation and Conservation; Governmental Operations; Finance and Tax; and General Government Appropriations.

On motion by Senator Baker, by two-thirds vote—

HB 961—A bill to be entitled An act relating to cleanup of sites contaminated by petroleum; amending s. 376.3071, F.S.; increasing public funding for the restoration of certain sites contaminated by petroleum; providing criteria for the sites eligible for additional funds; prohibiting reimbursements for expenses incurred outside the petroleum cleanup preapproved site rehabilitation program administered by the Department of Environmental Protection; amending s. 376.30711, F.S.; providing requirements concerning preapproved site rehabilitation agreements that govern submittal of invoices to the department and payment of subcontractors; providing that an exemption from requirements concerning payments to subcontractors and suppliers does not apply to payments associated with such preapproved agreements; amending s. 376.3072, F.S., relating to the Florida Petroleum Liability and Restoration Insurance Program; increasing the amount of funds available under the insurance program for certain incidents or discharges; providing criteria for the sites eligible for additional funds; prohibiting reimbursements for expenses incurred outside the petroleum cleanup preapproved site rehabilitation program administered by the Department of Environmental Protection; providing an effective date.

—a companion measure, was substituted for **SB 1982** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 961** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **CS for HB 219** was withdrawn from the Committees on Agriculture; and Governmental Operations.

On motion by Senator Atwater—

CS for HB 219—A bill to be entitled An act relating to the Gertrude Maxwell Save a Pet Act; providing a short title; creating s. 570.97, F.S.; creating a direct-support organization for the Department of Agriculture and Consumer Services; providing for the organization and operation of the direct-support organization; providing for the purpose of the direct-support organization; providing for the membership of the board of directors; providing for honorary board members of the direct-support organization; providing for appointment of Gertrude Maxwell or her designee as the first honorary board member of the direct-support organization; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1994** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 219** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **CS for HB 527** was withdrawn from the Committees on Environmental Preservation and Conservation; Judiciary; and General Government Appropriations.

On motion by Senator Posey, by two-thirds vote—

CS for HB 527—A bill to be entitled An act relating to environmental site redevelopment; amending s. 376.30715, F.S.; defining the term “acquired”; providing for financial assistance in certain additional circumstances involving the transfer of a contaminated property; s. 220.1845, F.S.; revising requirements for site rehabilitation tax credits; expanding eligibility for site rehabilitation tax credits; providing for application to brownfield site redevelopment solid waste removal costs; providing requirements and limitations; providing definitions; providing for application to construction and operation of new health care facilities or health care providers on brownfield sites; providing requirements; amending s. 376.30781, F.S.; revising provisions providing tax credits for rehabilitation of certain contaminated sites and brownfield sites; providing for application to solid waste removal activities and site rehabilitation; providing for granting tax credits to multiple applicants; providing criteria for claiming costs for solid waste removal; providing definitions; providing for application to construction and operation of new health care facilities or health care providers on brownfield sites; providing requirements; revising criteria and requirements for granting site rehabilitation tax credits; providing criteria and requirements for granting solid waste removal tax credits; revising criteria and requirements for Department of Environmental Protection review of tax credit applications; providing notice requirements for the department in reviewing applications; increasing available amounts eligible for tax credits; providing additional limitations on tax credit awards for site rehabilitation costs and solid waste removal costs; providing construction of costs not eligible for tax credits; providing requirements and procedures for allocating and awarding certain ineligible or disputed costs; amending s. 376.79, F.S.; revising definitions relating to brownfield redevelopment; conforming a cross-reference; amending s. 376.80, F.S.; revising the brownfield program administration process; revising local government proposal requirements; revising requirements for brownfield site redevelopment agreements; deleting certain brownfield site rehabilitation contractor certification requirements; deleting a requirement that certain professionals carry professional liability insurance; providing legislative findings and declarations; authorizing local governments to evaluate certain benefits and effects of brownfield site redevelopment and rehabilitation; providing criteria; authorizing the Department of Health to assist local governments in such evaluations; amending s. 376.82, F.S.; conforming references; amending s. 376.86, F.S.; providing for limited application of Brownfield Areas Loan Guarantee Program grants to construction and operation of new health care facilities and health care providers; expanding membership of the Brownfield Areas Loan Guarantee Council; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2018** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 527** was placed on the calendar of Bills on Third Reading.

By Senator Geller—

CS for CS for SB 2040—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; providing requirements; providing for application of the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2040** was placed on the calendar of Bills on Third Reading.

By Senator Haridopolos—

CS for CS for SB 2080—A bill to be entitled An act relating to value adjustment boards; amending s. 194.011, F.S.; requiring that the Department of Revenue develop a uniform policies and procedures manual for use in proceedings before value adjustment boards; specifying availability requirements for such manual; amending s. 194.015, F.S.; revising the membership of value adjustment boards; providing for citizen members; revising criteria related to appointment to such boards; revising quorum requirements; deleting provisions authorizing county attorneys to act as counsel for value adjustment boards; amending s. 194.035, F.S.; providing that a requirement that value adjustment boards appoint special magistrates for certain purposes applies to all counties; requiring value adjustment boards to verify the qualifications of special magistrates prior to appointment; providing selection criteria; requiring that the department provide training for special magistrates; providing training requirements; requiring that the department charge tuition for such training; requiring that the department deposit fees collected from such tuition into the Certification Program Trust Fund; amending s. 194.037, F.S.; revising information required to be provided on the disclosure of tax impact form to include certain additional information; amending s. 195.002, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2080** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2094** and **CS for SB 2170** was deferred.

By Senator Lynn—

CS for CS for SB 2532—A bill to be entitled An act relating to child custody and support; providing a directive to the Division of Statutory Revision to retitle ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms “parenting plan,” “parenting plan recommendation,” and “time-sharing schedule”; deleting definitions of the terms “custodial parent” and “noncustodial parent”; amending ss. 61.052, 61.09, and 61.10, F.S.; conforming provisions to changes in terminology; repealing s. 61.121, F.S., relating to rotating custody; amending s. 61.122, F.S.; conforming provisions to changes in terminology; revising provisions relating to a presumption of good faith for psychologists making specified determinations; amending s. 61.13, F.S.; revising provisions relating to modification of support; conforming provisions to changes in terminology; revising provisions relating to development of a parenting plan; amending s. 61.13001, F.S.; conforming provisions to changes in terminology; deleting obsolete definitions; amending s. 61.13002, F.S.; providing for orders of temporary support for children whose time-sharing is temporarily modified due to a parent’s military service; conforming provisions to changes in terminology; amending ss. 61.14, 61.181, and 61.1827, F.S.; conforming provisions to changes in terminology; conforming a cross-reference; amending s. 61.20, F.S.; conforming provisions to changes in terminology; revising provisions relating to social investigation and recommendations regarding a parenting plan; amending s. 61.21, F.S.; conforming provisions to changes in terminology; amending s. 61.30, F.S.; conforming provisions to changes in terminology; amending ss. 61.401, 61.45, 409.2554, and 409.2558, F.S.; conforming provisions to changes in terminology; amending s. 409.2563, F.S.; conforming provisions to changes in terminology; revising provisions relating to presumption of a parent’s income for the purpose of establishing a support obligation; deleting an obsolete provision concerning a study by the Office of

Program Policy Analysis and Government Accountability; amending ss. 409.2564, 409.25657, 409.25659, and 409.2577, F.S.; conforming provisions to changes in terminology; amending s. 409.2579, F.S.; conforming a cross-reference; amending ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295, and 445.024, F.S.; conforming provisions to changes in terminology; amending s. 741.0306, F.S.; revising requirements for a family law handbook; conforming provisions to changes in terminology; requiring a review of the handbook and report to the Legislature; amending s. 741.30, F.S.; conforming provisions to changes in terminology; amending s. 742.031, F.S.; conforming provisions to changes in terminology; providing for time-sharing and parental responsibility in paternity judgments; amending ss. 753.01 and 827.06, F.S.; conforming provisions to changes in terminology; reenacting s. 61.1825(3)(a), F.S., relating to relating to the State Case Registry, to incorporate the amendments made to s. 741.30, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendment which was adopted:

Amendment 1 (827576)—Delete line(s) 604-655 and insert:

(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(j) *The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.*

(k) *The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.*

(l) ~~(j)~~ *The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child* ~~The willingness and ability of each parent to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.~~

(m) ~~(k)~~ *Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought that any party has knowingly provided false information to the court regarding a domestic violence proceeding pursuant to s. 741.30.*

(n) ~~(l)~~ *Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect of domestic violence or child abuse.*

(o) ~~(m)~~ *The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties* ~~Any other fact considered by the court to be relevant.~~

(p) *The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.*

(q) *The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.*

(r) *The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.*

(s) *The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.*

(t) *Any other factor that is relevant to the determination*

Pursuant to Rule 4.19, **CS for CS for SB 2532** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **CS for HB 1203** was withdrawn from the Committees on Education Pre-K - 12; Military Affairs and Domestic Security; and Education Pre-K - 12 Appropriations.

On motion by Senator Storms—

CS for HB 1203—A bill to be entitled An act relating to the Interstate Compact on Educational Opportunity for Military Children; creating s. 1000.36, F.S.; directing the Governor to execute the Interstate Compact on Educational Opportunity for Military Children on behalf of this state with any other state or states legally adopting the compact; providing definitions; providing applicability; providing for the transfer of education records from a sending to a receiving state; requiring that children of military personnel be enrolled in classes at current grade level; providing for eligibility for graduation; providing for a state council to coordinate agencies and schools; providing for membership on the council; creating the Interstate Commission on Educational Opportunity for Military Children; providing for membership, organization, meetings, operations, powers, and duties; creating an executive committee; requiring the commission to adopt rules; providing for a legal challenge to the adopted rules; providing for oversight, enforcement, and dispute resolution; providing procedures to suspend or terminate member states; authorizing the commission to levy and collect an annual assessment from each member state; providing the method for the compact to become effective and binding on the member states; providing procedures for the withdrawal of a member state; providing severability; providing for the effect of the compact on member states' laws; creating s. 1000.37, F.S.; requiring the Secretary of State to furnish a copy of the enrolled act enacting the Interstate Compact on Educational Opportunity for Military Children to each of the states approving the compact; creating s. 1000.38, F.S.; authorizing the designation of a Compact Commissioner and a Military Family Education Liaison by the Governor; creating s. 1000.39, F.S.; creating the State Council on Interstate Educational Opportunity for Military Children; providing purpose and membership; prohibiting compensation; authorizing reimbursement for per diem and travel expenses; providing for public records and open meetings; requiring the Department of Education to provide administrative support; prescribing procedures if the council is abolished; providing for future legislative review and repeal of the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 2546** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1203** was placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Rich, the rules were waived and the Senate reconsidered the vote by which—

HB 7075—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; revising definitions applicable to ch. 393, F.S., relating to persons with developmental disabilities; amending ss. 287.155, 393.064, 393.0651, 393.066, 393.135, 393.22, 393.23, 402.181, 402.22, 408.036, and 435.03, F.S.; conforming terminology to changes made by the act; amending s. 393.0657, F.S.; revising an exemption from certain requirements for fingerprinting and rescreening; amending s. 393.0673, F.S.; providing circumstances under which the Agency for Persons with Disabilities may deny, revoke, or suspend a license or impose a fine; amending s. 393.506, F.S.; authorizing direct service providers to administer a certain medication to clients with developmental disabilities; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 916.301, F.S.; clarifying provisions relating to court appointment of certain qualified experts to evaluate a defendant's mental condition; amending s. 916.302, F.S.; authorizing the sheriff to transport a defendant determined incompetent to proceed due to retardation or autism to county jail under certain conditions pending a court appearance at a competency hearing held within a specified period of time; providing an effective date.

—was substituted for **CS for SB 1954** this day.

On motion by Senator Rich, the Senate resumed consideration of—

CS for SB 1954—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; revising definitions; revising the term “developmental disabilities institution” to be known as a “developmental disabilities center”; redefining the term “retardation”; amending s. 393.0655, F.S.; requiring certain persons to undergo background screening if they have been unemployed for more than 90 days; amending s. 393.0673, F.S.; providing additional grounds for denying, suspending, or revoking a license or imposing a fine against a provider serving clients of the Agency for Persons with Disabilities; amending s. 393.506, F.S.; expanding the types of medications that an unlicensed direct service provider may administer; amending ss. 287.155, 393.064, 393.0651, 393.066, 393.135, 393.22, 393.23, 402.181, 402.22, 435.03, F.S.; conforming provisions to changes made by the act; repealing s. 393.0657, F.S., relating to background screening; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for SB 1954** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 2574—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; expanding an exemption from public-records requirements for certain records and time sheets submitted to an agency to include those submitted by an employee who is a victim of sexual violence; extending future legislative review and repeal; amending s. 2, ch. 2007-108, Laws of Florida; revising a statement of public necessity to conform; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2574** to **CS for HB 1141**.

Pending further consideration of **CS for SB 2574** as amended, on motion by Senator Fasano, by two-thirds vote **CS for HB 1141** was withdrawn from the Committees on Children, Families, and Elder Affairs; Commerce; Governmental Operations; and Judiciary.

On motion by Senator Fasano, by two-thirds vote—

CS for HB 1141—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; expanding an exemption from public records requirements for certain records and time sheets submitted to an agency to include those submitted by an employee who is a victim of sexual violence; extending future legislative review and repeal; amending s. 2, ch. 2007-108, Laws of Florida; revising a statement of public necessity to conform; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2574** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1141** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for CS for CS for SB 2652—A bill to be entitled An act relating to maternal and child health programs; amending s. 409.942, F.S.; requiring the Department of Health to submit a plan for the implementation of a electronic benefits transfer program for the dissemination of Women, Infants, and Children (WIC) benefits to the United States Department of Agriculture by a certain date and to establish the program by a certain date; amending s. 383.011, F.S.; requiring the Department of Health to compare the average cost of certain food items and collect individual food item redemption costs; prohibiting the Department of Health from discontinuing a WIC-eligible generic product; providing an exception; requiring that the department expend funds provided by the Federal Government only for administering the program; authorizing the department to submit a budget amendment to the Executive Office of the Governor if the department exceeds the federal funds allocation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for SB 2652** to **CS for HB 1193**.

Pending further consideration of **CS for CS for CS for SB 2652** as amended, on motion by Senator Garcia, by two-thirds vote **CS for HB 1193** was withdrawn from the Committees on Health Policy; Governmental Operations; and Health and Human Services Appropriations.

On motion by Senator Garcia, by two-thirds vote—

CS for HB 1193—A bill to be entitled An act relating to maternal and child health programs; amending s. 383.011, F.S.; requiring the Department of Health, in administering the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to compare the costs of food items redeemed by certain vendors for purposes of meeting certain federal requirements; prohibiting the department from discontinuing certain generic products under certain circumstances; restricting the funding of the program to federal funds; providing for submission of budget amendments by the department; amending s. 409.942, F.S.; requiring the department to submit a plan to establish an electronic benefit transfer program to distribute WIC benefits to the United States Department of Agriculture; requiring the department to establish an electronic benefit transfer program to distribute WIC benefits; requiring the department to collaborate with the Department of Children and Family Services in developing the program and pay all costs associated therewith; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2652** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1193** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2700** and **CS for CS for SB 474** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

SB 230—A bill to be entitled An act relating to state symbols; creating s. 15.0526, F.S.; designating the Florida Cracker Horse (Marshackie) as the official state horse; providing for future legislative review and repeal; creating s. 15.0386, F.S.; designating the Loggerhead Turtle as the official Florida state salt water reptile; providing an effective date.

—as amended April 25 was read the third time by title.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (301322)(with title amendment)—Delete lines 20-22 and insert:

15.0386 Official state salt water reptile.—

(1) *The Loggerhead Turtle is designated as the official Florida state salt water reptile.*

(2) *This section is repealed July 1, 2018, unless reviewed and reenacted by the Legislature before that date.*

And the title is amended as follows:

On line 7, after the semicolon (;) insert: providing for future legislative review and repeal;

On motion by Senator Baker, **SB 230** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Peadar
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Carlton	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dean	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—1

Oelrich

SPECIAL ORDER CALENDAR, continued

On motion by Senator Margolis, the Senate resumed consideration of—

CS for SB 1492—A bill to be entitled An act relating to a discretionary surtax; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending the date of repeal of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 201.031, F.S.; requiring each county that levies the discretionary surtax to prepare an annual financial report showing the revenues and the expenses of the trust fund for the fiscal year, to retain an independent outside auditor to conduct a financial audit of surtax revenues and expenditures, to adopt by resolution of its governing body a housing plan every 3 years, and to require by resolution that the staff or entity that has administrative authority for implementing the housing plan to prepare and submit to the county's governing body an annual report; limiting to a maximum of 10 percent the portion of the surtax revenues which may be used for administrative costs; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (636396)** by Senator Margolis.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (737640)(with title amendment)—Delete line 120 and insert:

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(1)(a) On deeds, instruments, *documents*, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction, on each \$100 of the consideration therefor the tax shall be 70 cents *except as otherwise provided in this subsection*. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 70 cents for each \$100 or fractional part thereof of the consideration therefor *except as otherwise provided in this subsection*. For purposes of this section, consideration includes, but is not limited to, the money paid or agreed to be paid; the discharge of an obligation; and the amount of any mortgage, purchase money mortgage lien, or other encumbrance, whether or not the underlying indebtedness is assumed; and any increase in the value of any ownership interest in a grantee entity or any other entity. If the consideration paid or given in exchange for real

property or any interest therein includes property other than money, it is presumed that *there is a purchaser and that the consideration is equal to the fair market value of the real property or interest therein*.

(b) If:

1. A deed, instrument, document, or writing grants, assigns, transfers, or conveys any interest in real property;

2. There is a mere change in form of ownership without effecting any change in any beneficial ownership interests; and

3. The only consideration given is an increase in the value of any ownership interests in the grantee entity or any other entity,

in lieu of paying the tax due on such deed, instrument, document, or writing, the parties to the grant, assignment, transfer, or conveyance may make an election, on or before the date of the grant, assignment, transfer, or conveyance, on a form issued by the department, to not make payment of the tax due on such deed, instrument, document, or writing but instead to pay tax on the fair market value of the real property upon the subsequent change in any ownership interest in the real property or the subsequent transfer of any interest in the real property. The form on which such election is made shall be attached to and recorded with the deed, instrument, document, or writing that grants, assigns, conveys, or otherwise transfers any interest in the real property. However, when an election has been made, no tax shall apply to the subsequent transfer of the ownership interest in the legal entity, or the subsequent transfer of an interest in the real property, when the subsequent transfer is limited to a return of the identical interest in the real property by the grantee legal entity to the identical grantor or grantors resulting in no change in the beneficial ownership interests originally held in the real property.

Section 5. This act shall take effect upon becoming a law and section 4 of this act applies to transfers of property for which the first transfer to an artificial entity occurs after that date.

And the title is amended as follows:

Delete lines 127-153 and insert: An act relating to the excise tax on documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain governmentally owned housing; requiring certain remaining revenues to be used for down payment assistance; authorizing certain counties to create by ordinance a housing choice assistance voucher program; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; requiring the Auditor General to conduct a biennial operational audit of the discretionary surtax program operated by counties; requiring a report; amending s. 201.02, F.S.; revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; providing requirements; providing for application of the act;

MOTION

On motion by Senator Margolis, the rules were waived to allow the following amendment to be considered:

Senator Margolis moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (750798)—Delete line(s) 52-61 and insert:

(c) *Housing choice assistance vouchers shall be used for down payment assistance for the purchase of a single-family residence within the county by low-income or moderate-income persons who are:*

1. *Actively employed by the purchasing employer or by a business entity directly affiliated with the purchasing employer; and*
2. *Prequalified for a mortgage loan by a certified lending institution.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1492** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dockery, by two-thirds vote **CS for SB 2484** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Constantine, by two-thirds vote **SB 2602** was withdrawn from the Committee on Agriculture; **CS for CS for SB 2594** was withdrawn from the Committee on Banking and Insurance; and **CS for SB 2202** was withdrawn from the Committee on General Government Appropriations.

On motion by Senator Saunders, by two-thirds vote **CS for CS for SB 2644** was withdrawn from the Committee on Governmental Operations.

On motion by Senator King, by two-thirds vote **CS for CS for SB's 2086 and 2498** was withdrawn from the Committee on Governmental Operations.

MOTIONS

On motion by Senator King, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Tuesday, April 29.

On motion by Senator King, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, April 29.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator King, the rules were waived and the Special Order Calendar Group was granted permission to meet Tuesday, April 29, one hour after announcement.

MOTION TO RECONSIDER BILL

Senator Justice moved that the Senate reconsider the vote by which—

CS for CS for SB 2378—A bill to be entitled An act relating to pari-mutuel wagering permitholders; amending s. 550.054, F.S.; providing for a jai alai permitholder meeting certain conditions to apply to the Division of Pari-mutuel Wagering to convert a permit to conduct jai alai to a permit to conduct greyhound racing; directing the division to issue a permit to conduct greyhound racing if certain conditions are met; providing for the relocation of certain permits; providing an effective date.

—failed to pass this day.

The motion failed.

COMMUNICATION

The Honorable Ken Pruitt, President
The Florida Senate

April 28, 2008

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, copies of the Appropriations Conference Committee Report on **HB 5001** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

The House Clerk has certified that delivery was completed April 28, 2008 at 6:52 p.m., EDT.

Respectfully submitted,
Faye W. Blanton,
Secretary of the Senate

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Majority Leader, and the Minority Leader submit the following bills to be placed on the Special Order Calendar for Monday, April 28, 2008: CS for CS for SB 318, CS for CS for SB 688, CS for CS for CS for SB 996, CS for SB 1116, CS for SB 1384, CS for CS for SB 1458, CS for SB 1490, CS for SB 1492, CS for SB 1604, CS for CS for CS for CS for SB 1670, CS for CS for SB 1672, CS for SB 1752, SB 1982, CS for CS for SB 1994, CS for CS for SB 2018, CS for CS for SB 2040, CS for CS for SB 2080, CS for CS for SB 2532, CS for SB 2546, CS for SB 2574, CS for CS for CS for SB 2652, CS for CS for SB 2700, CS for CS for SB 474

Respectfully submitted,
Lisa Carlton, President Pro Tempore
Daniel Webster, Majority Leader
Steven A. Geller, Minority Leader

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 35, HB 313, CS for CS for HB 443, CS for HB 531, CS for CS for CS for HB 653, HB 797, HB 961, CS for HB 1059, CS for HB 7045; has passed as amended CS for HB 167, CS for HB 527, CS for HB 607, CS for HB 739, CS for HB 773, HB 879, CS for HB 937, CS for HB 1193, CS for HB 1427, CS for HB 1509, HB 7053, CS for HB 7059, HB 7109; has passed by the required constitutional two-thirds vote of the members present CS for HB 1141 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By Representative Richardson and others—

HB 35—A bill to be entitled An act relating to social worker identification; amending ss. 39.01 and 491.003, F.S.; providing definitions for “social worker”; creating s. 491.016, F.S.; providing requirements for using the title “social worker”; providing a penalty; providing exemptions; requiring the Department of Health to adopt certain implementing and enforcing rules; providing an effective date.

—was referred to the Committee on Children, Families, and Elder Affairs.

By Representative Kelly and others—

HB 313—A bill to be entitled An act relating to dating violence; providing a short title; amending s. 784.046, F.S.; revising provisions relating to dating violence incidents to provide requirements for investigations, notice to victims, and reporting similar to those for incidents of domestic violence and to apply certain immunity provisions thereto; prohibiting certain willful violations of conditions of pretrial release; providing penalties; amending s. 901.15, F.S.; providing for warrantless arrests of persons for dating violence; conforming provisions; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By the Policy and Budget Council; Healthcare Council; and Representative Coley—

CS for CS for HB 443—A bill to be entitled An act for the relief of Marissa Amora; providing an appropriation to compensate Marissa Amora, a minor, for injuries she sustained as a result of the negligence of employees of the Department of Children and Family Services; requiring a specified legislative budget request; providing a limitation on attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

—was referred to the Committee on Health Regulation.

By the Government Efficiency and Accountability Council; and Representative Weatherford and others—

CS for HB 531—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; revising the criteria under which certain employees of the Department of Law Enforcement, the Division of State Fire Marshal, or a local government law enforcement agency or medical examiner's office are eligible for membership in the Special Risk Class; authorizing the Department of Management Services to review the special risk designation of certain members; authorizing certain members to purchase additional retirement credit to upgrade prior service to Special Risk Class service; providing for the calculation of contributions for such service upgrade; authorizing the employer to purchase such additional credit for certain members; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; Governmental Operations; and General Government Appropriations.

By the Policy and Budget Council; Policy and Budget Council; Schools and Learning Council; and Representative Traviesa and others—

CS for CS for CS for HB 653—A bill to be entitled An act relating to the Corporate Income Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing that siblings of certain students are eligible for participation in the program; revising provisions authorizing the total amount of tax credits that may be granted and deleting the reservation of a portion thereof; revising authorized uses of scholarship funds; revising provisions relating to expenditure of contributions received by a scholarship-funding organization during a state fiscal year; authorizing expenditure of contributions for specified administrative expenses by certain scholarship-funding organizations; providing for the annual return of specified eligible contributions to the State Treasury; correcting a cross-reference; revising scholarship amounts and providing for adjustments in future scholarship amounts; revising requirements relating to verification of student attendance for purposes of scholarship payment; providing for preservation of credits under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on funding for the scholarship program; specifying report requirements; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations.

By Representative Holder and others—

HB 797—A bill to be entitled An act relating to public accountancy; amending s. 473.306, F.S.; revising prerequisites for taking the examination for licensure as a certified public accountant; eliminating certain obsolete provisions; amending s. 473.308, F.S.; revising and updating the requirements for education and work experience; requiring the Board of Accountancy to adopt rules governing requirements for work experience; clarifying provisions that specify what constitutes good moral character for purposes of qualifying for licensure as a certified public accountant; revising provisions governing licensure by endorse-

ment; amending s. 473.323, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Regulated Industries; and Higher Education.

By Representative Macheek—

HB 961—A bill to be entitled An act relating to cleanup of sites contaminated by petroleum; amending s. 376.3071, F.S.; increasing public funding for the restoration of certain sites contaminated by petroleum; providing criteria for the sites eligible for additional funds; prohibiting reimbursements for expenses incurred outside the petroleum cleanup preapproved site rehabilitation program administered by the Department of Environmental Protection; amending s. 376.30711, F.S.; providing requirements concerning preapproved site rehabilitation agreements that govern submittal of invoices to the department and payment of subcontractors; providing that an exemption from requirements concerning payments to subcontractors and suppliers does not apply to payments associated with such preapproved agreements; amending s. 376.3072, F.S., relating to the Florida Petroleum Liability and Restoration Insurance Program; increasing the amount of funds available under the insurance program for certain incidents or discharges; providing criteria for the sites eligible for additional funds; prohibiting reimbursements for expenses incurred outside the petroleum cleanup preapproved site rehabilitation program administered by the Department of Environmental Protection; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Operations; Finance and Tax; and General Government Appropriations.

By the Healthcare Council; and Representative Llorente—

CS for HB 1059—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption provided to nonprofit cooperative hospital laundries; requiring a member of a nonprofit cooperative to immediately divest itself of participation in the cooperative under certain circumstances; providing that provision of certain supplies and services pursuant to a declaration of emergency and a written emergency plan of operation does not invalidate a certificate of exemption or cause such a certificate to be denied; providing an effective date.

—was referred to the Committees on Health Regulation; and Finance and Tax.

By the Policy and Budget Council; Schools and Learning Council; and Representative Pickens and others—

CS for HB 7045—A bill to be entitled An act relating to public school curricular standards; amending s. 1003.41, F.S.; requiring the State Board of Education to review the Sunshine State Standards and replace them with enhanced curricular standards; establishing requirements for the standards; providing requirements for the adoption, review, and revision of the standards; requiring evaluation of proposed standards; authorizing the adoption of rules; amending s. 220.187, F.S.; revising requirements for the selection of norm-referenced tests administered by private schools for purposes of the Corporate Income Tax Credit Scholarship Program; amending s. 1000.21, F.S.; revising the systemwide definition of "Sunshine State Standards"; amending s. 1001.03, F.S.; requiring the state board to review and revise the Sunshine State Standards; conforming provisions; amending s. 1001.41, F.S.; conforming provisions relating to district school board adoption of standards and policies; amending s. 1001.42, F.S.; prohibiting school district expenditure of legislative appropriations for purposes of Florida Comprehensive Assessment Test (FCAT) preparation; providing penalties for unlawful expenditures; amending ss. 1003.428, 1003.429, 1003.43, 1003.433, 1003.63, 1006.28, and 1006.31, F.S.; conforming provisions and cross-references; amending s. 1006.34, F.S.; specifying additional criteria for evaluating instructional materials; conforming provisions; amending s.

1006.38, F.S.; conforming provisions; amending s. 1006.40, F.S.; requiring instructional materials to align to the Sunshine State Standards; prohibiting school district expenditure of the instructional materials allocation for purposes of FCAT preparation; requiring notification to manufacturers and publishers; providing a penalty; authorizing purchases of specified content or devices; amending s. 1008.22, F.S.; revising requirements and conforming provisions relating to the statewide assessment program; revising powers and duties of the Commissioner of Education; requiring the FCAT to assess students in social studies by a certain time; providing for end-of-course assessments; requiring the content knowledge and skills assessed by the FCAT and end-of-course assessments to align to the Sunshine State Standards; authorizing the commissioner to select certain nationally developed examinations as end-of-course assessments under specified conditions; deleting provisions relating to documentation of certain testing procedures; providing restrictions on the development or publication of test-preparation materials; deleting requirements for norm-referenced tests; revising requirements for assessments of writing; establishing requirements for FCAT testing and reporting schedules; prohibiting practice testing and FCAT-preparation activities under certain conditions; authorizing certain test-preparation activities; requiring public schools to comply with statewide assessment and reporting schedules; establishing requirements for calculating student scores on revised statewide assessments; authorizing the administration of former assessments to be discontinued under certain circumstances; requiring the state board to adopt rules establishing passing scores on revised assessments required for a standard high school diploma; clarifying determination of concordant scores for the FCAT; revising requirements for an annual report on student performance; amending s. 1008.25, F.S.; requiring each district school board's student progression program to include performance in social studies; requiring assessment, remediation, and reporting related thereto; amending s. 1008.34, F.S.; exempting certain schools from receiving school grades; revising the definition of "home school" for purposes of calculating school grades for alternative schools; requiring annual collaboration among school principals concerning the school assignment of students attending an alternative school; conforming provisions; amending s. 1008.341, F.S.; exempting certain alternative schools from receiving school improvement ratings; conforming provisions; amending s. 1008.345, F.S.; conforming provisions; amending s. 1008.36, F.S.; revising criteria for financial awards under the Florida School Recognition Program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Cretul and others—

CS for HB 167—A bill to be entitled An act relating to temporary motor vehicle license tags; amending s. 320.131, F.S.; revising provisions for the placement of temporary tags on vehicles; revising provisions for implementation of an electronic, print-on demand, temporary tag issuance system; authorizing certain motor vehicle dealers to charge a fee in certain circumstance; authorizing limited use of a backup manual issuance method; authorizing the department to adopt rules; repealing s. 320.96, F.S., relating to implementation of an electronic, print-on-demand, temporary license plate system; providing an effective date.

—was referred to the Committees on Transportation; Governmental Operations; and Transportation and Economic Development Appropriations.

By the Environment and Natural Resources Council; and Representative Williams—

CS for HB 527—A bill to be entitled An act relating to environmental site redevelopment; amending s. 376.30715, F.S.; defining the term "acquired"; providing for financial assistance in certain additional circumstances involving the transfer of a contaminated property; s. 220.1845, F.S.; revising requirements for site rehabilitation tax credits; expanding eligibility for site rehabilitation tax credits; providing for application to brownfield site redevelopment solid waste removal costs; providing requirements and limitations; providing definitions; providing for application to construction and operation of new health care facilities or health

care providers on brownfield sites; providing requirements; amending s. 376.30781, F.S.; revising provisions providing tax credits for rehabilitation of certain contaminated sites and brownfield sites; providing for application to solid waste removal activities and site rehabilitation; providing for granting tax credits to multiple applicants; providing criteria for claiming costs for solid waste removal; providing definitions; providing for application to construction and operation of new health care facilities or health care providers on brownfield sites; providing requirements; revising criteria and requirements for granting site rehabilitation tax credits; providing criteria and requirements for granting solid waste removal tax credits; revising criteria and requirements for Department of Environmental Protection review of tax credit applications; providing notice requirements for the department in reviewing applications; increasing available amounts eligible for tax credits; providing additional limitations on tax credit awards for site rehabilitation costs and solid waste removal costs; providing construction of costs not eligible for tax credits; providing requirements and procedures for allocating and awarding certain ineligible or disputed costs; amending s. 376.79, F.S.; revising definitions relating to brownfield redevelopment; conforming a cross-reference; amending s. 376.80, F.S.; revising the brownfield program administration process; revising local government proposal requirements; revising requirements for brownfield site redevelopment agreements; deleting certain brownfield site rehabilitation contractor certification requirements; deleting a requirement that certain professionals carry professional liability insurance; providing legislative findings and declarations; authorizing local governments to evaluate certain benefits and effects of brownfield site redevelopment and rehabilitation; providing criteria; authorizing the Department of Health to assist local governments in such evaluations; amending s. 376.82, F.S.; conforming references; amending s. 376.86, F.S.; providing for limited application of Brownfield Areas Loan Guarantee Program grants to construction and operation of new health care facilities and health care providers; expanding membership of the Brownfield Areas Loan Guarantee Council; providing for retroactive application; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Judiciary; and General Government Appropriations.

By the Healthcare Council; and Representative Cretul and others—

CS for HB 607—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.80, F.S.; providing and revising definitions; amending s. 468.801, F.S.; changing composition of the Board of Orthotists and Prosthetists; removing obsolete requirement for initial staggering of terms; amending s. 468.802, F.S.; expanding the authority for rule adoption to include standards of practice for orthotic fitters, orthotic fitter assistants, and residents; amending s. 468.803, F.S.; providing for registration for a resident to practice orthotics or prosthetics; authorizing licensure as a prosthetist-orthotist; providing requirements for such licensure; requiring applicants for registration, examination, or licensure to apply on Department of Health forms; requiring applicants to submit fingerprints and a fee to cover department costs for criminal background checks; requiring board verification of certain information prior to an applicant's examination, registration, or licensure; providing requirements for registration as a resident in orthotics or prosthetics; providing for registration and renewal fees for registration; authorizing either the Department of Health to develop and administer a state examination for an orthotist or prosthetist license or the board to approve an existing examination of a national standards organization; providing examination requirements; authorizing examination fees; delineating applicant qualifications for examination; delineating requirements for licensure and licensure fees for an orthotist, a prosthetist, an orthotic fitter, an orthotic fitter assistant, and a pedorthist; amending s. 468.806, F.S.; revising materials required for submission for biennial license renewal, including information necessary to conduct a statewide criminal history check and payment of costs therefor; requiring certain mandatory courses, standards and qualifications for continuing education courses, and standards and qualifications for course providers to be established by rule; repealing s. 468.807, F.S., relating to issuance of a temporary license; amending s. 468.808, F.S.; revising duties that can be delegated to unlicensed support personnel; providing requirements for support personnel identification; amending s. 468.809, F.S.; including the practice of orthotics, prosthetics, or pedorthics without registration in certain prohibitions; providing penalties; creating s. 468.8095, F.S.; requiring licensees and registrants to post licenses, registrations, recent photographs, and certain notices in

a facility and to wear certain identification tags or badges; amending s. 468.811, F.S.; revising grounds for denial of a license or disciplinary action; providing grounds for denial of registration; amending s. 468.812, F.S.; revising provisions exempting certain persons from licensure; amending s. 468.813, F.S.; revising requirements regarding use of titles providing requirements for such licensure; providing an effective dates.

—was referred to the Committees on Health Regulation; and Higher Education Appropriations.

By the Healthcare Council; and Representative Ambler and others—

CS for HB 739—A bill to be entitled An act relating to guardian advocates for persons with developmental disabilities; amending s. 393.12, F.S.; requiring the court to conduct determination of incapacity of persons with developmental disabilities and appointment of guardian advocates in separate proceedings; revising conditions relating to venue for appointment of guardian advocates; providing that the guardian advocate need not be represented by an attorney unless required by the court or the guardian advocate is delegated certain rights regarding property; limiting applicability to certain proceedings relating to appointment and supervision of guardian advocates; requiring the petition to include the relationship of the proposed guardian advocate to certain providers; modifying the persons to whom a notice of the filing of the petition must be given to include next of kin, the health care surrogate designated to execute an advance directive, and the agent under durable power of attorney; removing a provision requiring the inclusion of certain information relating to the right to be represented by counsel in the notice of the filing of the petition; establishing a timeframe for appointment of counsel and modifying who may be appointed as counsel to a person with a developmental disability; providing conditions for the court to appoint attorneys; requiring court proceedings and orders to consider advance directives for health care and durable powers of attorney; requiring the court's order to provide the name and reasons for the selection of the guardian advocate; providing a process for restoration of rights for the person with a developmental disability; providing for the petitioner to submit evidentiary support to the court; providing for a hearing if no evidentiary support is available; amending s. 393.13, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

By the Safety and Security Council; and Representative Dorworth and others—

CS for HB 773—A bill to be entitled An act relating to judicial sales; amending s. 45.031, F.S.; permitting certain sales to be conducted by electronic means; requiring electronic sales to comply with specified procedures; providing exceptions; requiring clerks to provide public access terminals for electronic sales; permitting clerks to receive electronic payments and deposits related to electronic sales; amending s. 45.035, F.S.; providing a service charge to be received by clerks for sales conducted by electronic means under a specified provision; providing an exception to the fee for moneys in the registry of the court; amending s. 197.542, F.S.; providing for electronic tax deed sales; requiring clerks to provide public access terminals for electronic sales; permitting clerks to receive electronic payments and deposits related to electronic sales; providing provisions relating to electronic tax deed sales in charter counties; for providing an effective date.

—was referred to the Committees on Judiciary; and Finance and Tax.

By Representative Kelly and others—

HB 879—A bill to be entitled An act relating to early learning; providing a short title; amending s. 411.01, F.S.; revising provisions relating to membership of early learning coalitions; authorizing use of telecommunication methods in conducting early learning coalition board meetings; amending and renumbering s. 402.27, F.S.; transferring requirements for the establishment of a statewide child care resource and referral network by the Department of Children and Family Services to the

Agency for Workforce Innovation; providing for use of early learning coalitions as child care resource and referral agencies; requiring rule-making; amending and renumbering s. 409.178, F.S.; transferring duties of the Department of Children and Family Services with respect to the Child Care Executive Partnership Program to the Agency for Workforce Innovation and early learning coalitions; requiring rulemaking; amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating to the Voluntary Prekindergarten Education Program; providing additional accreditation standards for private prekindergarten providers; providing requirements for assignment of substitute instructors; requiring rulemaking; conforming cross-references; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; Commerce; and Transportation and Economic Development Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Ambler and others—

CS for HB 937—A bill to be entitled An act relating to title insurance; creating the Florida 2008 Title Insurance Study Advisory Council; providing for membership; providing for administrative support for the council; providing responsibilities of the council; authorizing the council to invite independent actuaries to provide certain information; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review and report to the council; requiring that the report be submitted to the council by a certain date; providing council meeting requirements; requiring the council to file a report with the Governor and the Legislature; providing for termination of the council; providing appropriations and authorizing additional positions; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Operations; and General Government Appropriations.

By the Healthcare Council; and Representative Rivera—

CS for HB 1193—A bill to be entitled An act relating to maternal and child health programs; amending s. 383.011, F.S.; requiring the Department of Health, in administering the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to compare the costs of food items redeemed by certain vendors for purposes of meeting certain federal requirements; prohibiting the department from discontinuing certain generic products under certain circumstances; restricting the funding of the program to federal funds; providing for submission of budget amendments by the department; amending s. 409.942, F.S.; requiring the department to submit a plan to establish an electronic benefit transfer program to distribute WIC benefits to the United States Department of Agriculture; requiring the department to establish an electronic benefit transfer program to distribute WIC benefits; requiring the department to collaborate with the Department of Children and Family Services in developing the program and pay all costs associated therewith; providing an effective date.

—was referred to the Committees on Health Policy; Governmental Operations; and Health and Human Services Appropriations.

By the Environment and Natural Resources Council; and Representative Mayfield—

CS for HB 1427—A bill to be entitled An act relating to beach management; amending s. 161.142, F.S.; providing legislative intent and findings; providing requirements concerning the quality and quantity of dredged sand placed on certain beaches adjacent to inlets; requiring an estimation of the requisite quantity of beach-quality sand by the Department of Environmental Protection and its consultants; revising exemptions from certain permitting requirements and prohibitions for certain construction activities; requiring compliance with the applicable Florida Building Code; requiring the protection of nesting shorebirds and marine turtles; specifying requirements of certain ports concerning the placement of dredged sand on adjacent eroding beaches; authorizing such ports to sponsor or cosponsor inlet management projects that are fully eligible for state cost-sharing; providing requirements and findings

concerning the placement of dredged sand from federal navigation projects; providing for assignment of responsibility for the erosion caused by inlets; specifying actions to be taken by the department in disputes between local governments and property owners concerning how much sand should bypass an inlet; creating s. 161.143, F.S.; requiring that inlet management studies, projects, and activities be supported by certain plans; providing criteria governing the department's ranking of inlet management projects and activities; specifying conditions that must be met; requiring that the department establish funding priorities for projects and activities concerning inlet management; providing for input from interested governmental and private entities; providing criteria for establishing priorities; authorizing funding levels for inlet management projects under specified conditions; requiring that the department annually provide an inlet management project list to the Legislature; providing requirements for the list; requiring that the department make available certain moneys for projects on the list; requiring that the department make available certain moneys for projects on other legislatively approved inlet management project lists; requiring that the Legislature designate a certain inlet project as "Inlet of the Year"; requiring the department to provide an annual report to the Legislature concerning the success of projects so designated; requiring rulemaking by the department; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and Community Affairs.

By the Economic Expansion and Infrastructure Council; and Representative Braynon and others—

CS for HB 1509—A bill to be entitled An act relating to community service for infractions of noncriminal traffic offenses; amending s. 318.18, F.S.; requiring a court to allow a person to satisfy a civil penalty for an infraction of a noncriminal traffic offense by participating in community service if the person is unable to pay the civil penalty due to a demonstrable financial hardship; requiring that a person participating in community service receive credit for the civil penalty at the specified hourly credit rate per hour of community service performed or at the prevailing wage rate for a trade or profession; defining the term "specified hourly credit rate"; providing responsibilities for community service agencies; defining the terms "community service" and "community service agency"; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; and Criminal and Civil Justice Appropriations.

By the Government Efficiency and Accountability Council; and Representative Gardiner—

HB 7053—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Kidcare program; amending s. 409.821, F.S.; reorganizing the exemption; authorizing release of information to any governmental entity in the performance of its official duties and responsibilities; providing that the public record exemption does not prohibit the release of certain information to the legal guardian of an enrollee; removing superfluous language; repealing s. 2, ch. 2003-104, Laws of Florida, which provides for repeal of the exemption; repealing s. 624.91(8), F.S., which provides a duplicative public records exemption for the Florida Healthy Kids Corporation; providing an effective date.

—was referred to the Committees on Health Policy; and Governmental Operations.

By the Policy and Budget Council; Environment and Natural Resources Council; and Representative Mayfield and others—

CS for HB 7059—A bill to be entitled An act relating to the protection of wild and aquatic life; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to provide for the establishment of seagrass mitigation banks for specified purposes; amending s. 253.04, F.S.; providing that careless operation of a vessel outside a marked channel that causes seagrass scarring within certain

aquatic preserves is a civil infraction; defining the terms "seagrass scarring" and "seagrasses"; providing that refusal to post bond or sign a boating citation is a second degree misdemeanor; providing criminal penalties; requiring that civil penalties collected for the careless operation of a vessel causing seagrass scarring be deposited into the Internal Improvement Trust Fund and used for specified purposes; amending s. 253.034, F.S.; creating a monitoring team for the purposes of reviewing management plans of state-owned lands; providing review procedures; amending s. 259.037, F.S.; requiring agencies to report additional information to the Division of State Lands; amending s. 327.73, F.S.; providing civil penalties for seagrass scarring; amending s. 372.73, F.S.; providing for the forfeiture of illegally taken wildlife, freshwater fish, and saltwater fish to investigating law enforcement agencies; authorizing investigating law enforcement agencies to dispose of such wildlife, freshwater fish, and saltwater fish in a specified manner; requiring certain documentation; requiring the release of certain wildlife, freshwater fish, and saltwater fish to native habitats; providing for release of nonnative species by rule; revising provisions for the deposit of certain proceeds relating to the confiscation and disposition of illegally taken wildlife, freshwater fish, and saltwater fish; authorizing certain law enforcement agencies to receive specified portions of forfeited property; creating s. 372.731, F.S.; providing for photographs of illegally taken wildlife, freshwater fish, or saltwater fish to be admissible as evidence in the prosecution of certain violations; specifying requirements and procedures for such photographs; amending ss. 370.021, 370.061, 372.9901, 372.9904, and 932.7055, F.S.; conforming cross-references; repealing s. 327.803, F.S., relating to the Boating Advisory Council; repealing s. 372.107, F.S., relating to the Federal Law Enforcement Trust Fund within the Fish and Wildlife Conservation Commission; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Judiciary; and General Government Appropriations.

By the Government Efficiency and Accountability Council; and Representative Attkisson—

HB 7109—A bill to be entitled An act relating to small business regulatory relief; creating s. 288.001, F.S.; designating the Florida Small Business Development Center Network as the principal business assistance organization for small businesses in the state; creating s. 288.7001, F.S.; providing a short title; providing definitions; creating the Small Business Regulatory Advisory Council; providing for appointments, membership, and meetings; providing powers and duties of the council; providing administrative location for council; providing for periodic review of agency rules by the council with agency sunset review; providing timelines for review; providing for the council to issue a report; creating s. 288.7002, F.S.; providing definitions; creating the Office of Small Business Advocate; providing for selection of the Florida Small Business Advocate; providing for preferred qualifications of the advocate; providing duties of the advocate; providing for agency cooperation with the advocate; providing for an annual report by the advocate to the Governor and Legislature; amending s. 11.908, F.S.; including the Small Business Regulatory Advisory Council among groups that may be consulted for agency or committee review; amending s. 11.911, F.S.; providing for the inclusion of the report of the Small Business Regulatory Advisory Council in the Legislative Sunset Committee's recommendations; amending s. 11.919, F.S.; requiring agency assistance to the Small Business Regulatory Advisory Council; authorizing the council to access or request information and assistance; amending s. 120.54, F.S.; requiring an agency to prepare a statement of estimated regulatory costs; requiring agency notification to the Small Business Regulatory Advisory Council relating to proposed agency action affecting small business; requiring an agency to adopt regulatory alternatives offered by the council under certain circumstances; providing for rule filing extension when regulatory alternatives are offered by the council; providing for outside review of regulatory alternatives not adopted by an agency and for an agency response; amending s. 120.74, F.S.; requiring biennial rule review by each agency to consider the impact of rules on small business; requiring the economic impact of the rules to be included in a report to the Legislature; providing an effective date.

—was referred to the Committees on Commerce; and Governmental Operations.

By the Jobs and Entrepreneurship Council; and Representative Jenne and others—

CS for HB 1141—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; expanding an exemption from public records requirements for certain records and time sheets submitted to an agency to include those submitted by an employee who is a victim of sexual violence; extending future legislative review and repeal; amending s. 2, ch. 2007-108, Laws of Florida; revising a statement of public necessity to conform; providing a contingent effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Commerce; Governmental Operations; and Judiciary.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1026 and CS for CS for CS for SB 1442; and adopted SM 1454.

William S. Pittman III, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

CO-INTRODUCERS

Senators Baker—CS for CS for CS for SB 2026, SB 2564; Hill—CS for CS for SB 2152; Lawson—CS for SB 2790; Lynn—CS for SB 2778; Siplin—SR 1236

VOTES RECORDED

Senator Crist was recorded as voting “yea” on the following bill which was considered April 2: **SM 2662**.

RECESS

On motion by Senator King, the Senate recessed at 4:50 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Tuesday, April 29 or upon call of the President.

SENATE PAGES

April 28-May 2, 2008

Ethan C. Bell, Groveland; Luke Brigham, Orlando; Lillian “Lilly” Caldwell, Tallahassee; Carey “Allie” Caldwell, Tallahassee; Crystal Chadwell, Panacea; Hannah Ciupalo, Tallahassee; Alex “Sasha” Ciupalo, Tallahassee; Austin R. Drawdy, Groveland; Schyler “Skye” Drew, Orlando; Kory Eylmann, New Smyrna Beach; Perla B. Fernandez, Miami; Patrick H. Freeman, Newberry; Rance B. Hood, Palatka; Rosemarthe Jean-Joseph, Miami; Mary Anna Jones, Windermere; Arianna Knox, Quincy; Curtis “Curt” Milner, Tallahassee; Alyson Peet, Tallahassee; Caleb M. Sides, Ocoee; Lindsey Sanders, Tallahassee; William S. Santiago, Winter Garden; Stephen B. Skipper, New Port Richey, Grace Smokay, Haines City; Courtney Thomas, Tallahassee; John E. Webster, Orlando; Victoria S. Webster, Orlando